

**Organizer:** Covington, Jeryl[Covington.Jeryl@epa.gov]  
**From:** Covington, Jeryl[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5744FF31964349539994E9EB4C3F90FC-COVINGTON,]  
**Attendees:** Covington, Jeryl; Khan, Zahra; Johnson, Johahna; Rhines, Dale; Dorka, Lilian; Frey, Sarah; Barnett, Cheryl; Vaughn, Gloria; Blanco, Arturo; Burrell, Monica; Brown, Jamesr; Nelson, Russell; Ryland, Renea; Moncrieffe, Marcia; mcalister; Hicks, Basil; Hayes, Mark  
**Location:** Microsoft Teams Meeting  
**Importance:** Normal  
**Subject:** EPA Complaint No. 27R-16-R6: Discussion of Draft Informal Resolution Agreement  
**Start Time:** Thur 12/10/2020 5:00:00 PM (UTC)  
**End Time:** Thur 12/10/2020 6:00:00 PM (UTC)  
**Required Attendees:** Covington, Jeryl; Khan, Zahra; Johnson, Johahna; Rhines, Dale; Dorka, Lilian; Frey, Sarah; Barnett, Cheryl; Vaughn, Gloria; Blanco, Arturo; Burrell, Monica; Brown, Jamesr; Nelson, Russell; Ryland, Renea; Moncrieffe, Marcia; mcalister; Hicks, Basil  
**Optional Attendees:** Hayes, Mark

2020.08.24 REVISED DRAFT IRA Complaint No 27R-16-R6-DEQ edits and comments-20201119.docx

Review of draft informal resolution agreement.

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## Microsoft Teams meeting

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**To:** Dorka, Lilian[Dorka.Lilian@epa.gov]; Khan, Zahra[Khan.Zahra@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Moncrieffe, Marcia[Moncrieffe.Marcia@epa.gov]  
**From:** Covington, Jeryl[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5744FF31964349539994E9EB4C3F90FC-COVINGTON,]  
**Sent:** Thur 2/27/2020 7:26:23 PM (UTC)  
**Subject:** Rev. DRAFT Informal Resolution Agreement: EPA Complaint No 27R-16-R6  
2020.02.21 Rev. DRAFT Informal Resolution Agreement Complaint No 27R-16-R6.docx

Attached is a revised draft of the informal resolution agreement for complaint number 27R-16-R6.

This revision includes reference to:

- Proposed actions and contemplation of activities for ADEQ following the onsite May 2019 meeting; and
- The Amended Consent Decree that is currently issued for public comment.

Please review and provide your comments.

**To:** Dorka, Lilian[Dorka.Lilian@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Khan, Zahra[Khan.Zahra@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Barnett, Cheryl[Barnett.Cheryl@epa.gov]  
**Cc:** Gray, David[gray.david@epa.gov]; Welton, Patricia[Welton.Patricia@epa.gov]; Smith, Suzanne[Smith.Suzanne@epa.gov]; Murdock, Russell[Murdock.Russell@epa.gov]  
**From:** Moncrieffe, Marcia[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEE0FF61229A4D2C9B85D3D2EC0CD52F-MONCRIEFFE, MARCIA]  
**Sent:** Fri 2/28/2020 8:33:39 PM (UTC)  
**Subject:** RE: Rev. DRAFT Informal Resolution Agreement: EPA Complaint No 27R-16-R6  
2020.02.21 Rev. DRAFT Informal Resolution Agreement Complaint No 27R-16-R6 CB.docxMMCB.docx

Good afternoon Lilian,

First, I would like to share that I was not able to connect with David before sending the attached revised draft. Also, there may be other comments from the larger team in R6 since I did share the draft.

However, given your explanation of yesterday for why you wanted the comments and that you promised the draft to ADEQ, the comments and responses came from Cheryl and me. If you and/or any member of your team have questions, I remain available.

I took the opportunity to read through and refamiliarize myself with the document; so as I read, I made comments. However, I did not do a total read for typos and grammar.

With kind regards,  
Marcia

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**From:** Dorka, Lilian <Dorka.Lilian@epa.gov>  
**Sent:** Thursday, February 27, 2020 5:25 PM  
**To:** Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Khan, Zahra <Khan.Zahra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>  
**Cc:** Gray, David <gray.david@epa.gov>; Tripathi, Arati <Tripathi.Arati@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Murdock, Russell <Murdock.Russell@epa.gov>  
**Subject:** RE: Rev. DRAFT Informal Resolution Agreement: EPA Complaint No 27R-16-R6

Thank you Marcia.

Lilian Sotolongo Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-9649 - Office  
202-695-9888 - Cell

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**From:** Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>  
**Sent:** Thursday, February 27, 2020 4:59 PM  
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Khan, Zahra <Khan.Zahra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>  
**Cc:** Gray, David <gray.david@epa.gov>; Tripathi, Arati <Tripathi.Arati@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Murdock, Russell <Murdock.Russell@epa.gov>  
**Subject:** RE: Rev. DRAFT Informal Resolution Agreement: EPA Complaint No 27R-16-R6

Lilian,

Thank you for your email and always you are welcome.

I will review the draft document tomorrow morning. Also, already I left a message for Cheryl to talk tomorrow.

However, not know what the timeline was when I initially received the email and wanting to be responsive in a timely manner, I shared the draft with our larger R6 team.

I will follow-up with you tomorrow (2/28).

ED\_006641\_00000019-00001

With kind regards,  
Marcia

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**From:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
**Sent:** Thursday, February 27, 2020 3:52 PM  
**To:** Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Moncrieffe, Marcia <[Moncrieffe.Marcia@epa.gov](mailto:Moncrieffe.Marcia@epa.gov)>; Khan, Zahra <[Khan.Zahra@epa.gov](mailto:Khan.Zahra@epa.gov)>; Johnson, Johahna <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>; Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>  
**Cc:** Gray, David <[gray.david@epa.gov](mailto:gray.david@epa.gov)>; Tripathi, Arati <[Tripathi.Arati@epa.gov](mailto:Tripathi.Arati@epa.gov)>; Welton, Patricia <[Welton.Patricia@epa.gov](mailto:Welton.Patricia@epa.gov)>; Smith, Suzanne <[Smith.Suzanne@epa.gov](mailto:Smith.Suzanne@epa.gov)>; Murdock, Russell <[Murdock.Russell@epa.gov](mailto:Murdock.Russell@epa.gov)>  
**Subject:** RE: Rev. DRAFT Informal Resolution Agreement: EPA Complaint No 27R-16-R6

Thanks Marcia – to clarify, this is intended to be a working draft that includes comments and questions for EPA and ADEQ to consider as we start crafting what might be a final agreement to review and finalize in April (assuming the CD is finalized in March.)

You and Cheryl spoke with us before my trip to Arkansas and we all agreed there were areas that would need changes in light of the latest CD and some questions we would need to ask and work out with ADEQ in light of the changes in GP's production/operations, etc. That's what this draft captures – those questions and comments on the last draft we shared with them months ago – which everyone did review. ADEQ has promised to look the questions and comments over so that we can have the next conversation.

By no means is this document final or even close to final review. This just restarts our conversation with ADEQ in light of current circumstances. As such, I asked Jeryl to share the draft/comments/questions with you and Cheryl to make sure it captured our collective thoughts from our conversation a couple of weeks ago. I did not think it needed full Region 6 review at this time.

I would like to be able to share it with Julie and Michael (mainly Michael who will take a look at this time) by COB tomorrow. Thanks for your help.

Lilian

Lilian Sotolongo Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-9649 - Office  
202-695-9888 - Cell

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**From:** Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>  
**Sent:** Thursday, February 27, 2020 4:31 PM  
**To:** Moncrieffe, Marcia <[Moncrieffe.Marcia@epa.gov](mailto:Moncrieffe.Marcia@epa.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Khan, Zahra <[Khan.Zahra@epa.gov](mailto:Khan.Zahra@epa.gov)>; Johnson, Johahna <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>; Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>  
**Cc:** Gray, David <[gray.david@epa.gov](mailto:gray.david@epa.gov)>; Tripathi, Arati <[Tripathi.Arati@epa.gov](mailto:Tripathi.Arati@epa.gov)>; Welton, Patricia <[Welton.Patricia@epa.gov](mailto:Welton.Patricia@epa.gov)>; Smith, Suzanne <[Smith.Suzanne@epa.gov](mailto:Smith.Suzanne@epa.gov)>; Murdock, Russell <[Murdock.Russell@epa.gov](mailto:Murdock.Russell@epa.gov)>  
**Subject:** RE: Rev. DRAFT Informal Resolution Agreement: EPA Complaint No 27R-16-R6

Lilian requested submission of the revised draft to you and Ms. Barnett for review.

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**From:** Moncrieffe, Marcia <[Moncrieffe.Marcia@epa.gov](mailto:Moncrieffe.Marcia@epa.gov)>  
**Sent:** Thursday, February 27, 2020 4:22 PM  
**To:** Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Khan, Zahra <[Khan.Zahra@epa.gov](mailto:Khan.Zahra@epa.gov)>; Johnson, Johahna <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>; Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>  
**Cc:** Gray, David <[gray.david@epa.gov](mailto:gray.david@epa.gov)>; Tripathi, Arati <[Tripathi.Arati@epa.gov](mailto:Tripathi.Arati@epa.gov)>; Welton, Patricia <[Welton.Patricia@epa.gov](mailto:Welton.Patricia@epa.gov)>; Smith, Suzanne <[Smith.Suzanne@epa.gov](mailto:Smith.Suzanne@epa.gov)>; Murdock, Russell <[Murdock.Russell@epa.gov](mailto:Murdock.Russell@epa.gov)>  
**Subject:** RE: Rev. DRAFT Informal Resolution Agreement: EPA Complaint No 27R-16-R6

ED\_006641\_00000019-00002

Jeryl,

Thank you for the follow-up.

Since we are receiving the revised draft this afternoon (2/27), I would need time to make sure all in Region 6 who have contributed to the Informal Resolution Agreement have sufficient time to review and provide input, where applicable. I will share the draft following this email with R6.

Please let us know if Lilian needs R6's input before sending the document to ADEQ or if R6 and ADEQ can review the draft simultaneously.

Thank you in advance,  
Marcia

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**From:** Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>  
**Sent:** Thursday, February 27, 2020 3:08 PM  
**To:** Moncrieffe, Marcia <[Moncrieffe.Marcia@epa.gov](mailto:Moncrieffe.Marcia@epa.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Khan, Zahra <[Khan.Zahra@epa.gov](mailto:Khan.Zahra@epa.gov)>; Johnson, Johahna <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>; Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>  
**Cc:** Gray, David <[gray.david@epa.gov](mailto:gray.david@epa.gov)>; Tripathi, Arati <[Tripathi.Arati@epa.gov](mailto:Tripathi.Arati@epa.gov)>; Welton, Patricia <[Welton.Patricia@epa.gov](mailto:Welton.Patricia@epa.gov)>; Smith, Suzanne <[Smith.Suzanne@epa.gov](mailto:Smith.Suzanne@epa.gov)>; Murdock, Russell <[Murdock.Russell@epa.gov](mailto:Murdock.Russell@epa.gov)>  
**Subject:** RE: Rev. DRAFT Informal Resolution Agreement: EPA Complaint No 27R-16-R6

I submitted the revised draft to the investigation team. Lilian has been in conversation ADEQ following her February meeting with ADEQ. Lilian requested my revising the draft in light of the Amended Consent Decree public comment period. I do not know her next scheduled conversation with ADEQ; however, she emailed ADEQ on Tuesday, February 25, 2020 indicating that she would send a redline by the end of the week (you and Cheryl Barnett were copied on this email).

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**From:** Moncrieffe, Marcia <[Moncrieffe.Marcia@epa.gov](mailto:Moncrieffe.Marcia@epa.gov)>  
**Sent:** Thursday, February 27, 2020 4:02 PM  
**To:** Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Khan, Zahra <[Khan.Zahra@epa.gov](mailto:Khan.Zahra@epa.gov)>; Johnson, Johahna <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>; Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>  
**Cc:** Gray, David <[gray.david@epa.gov](mailto:gray.david@epa.gov)>; Tripathi, Arati <[Tripathi.Arati@epa.gov](mailto:Tripathi.Arati@epa.gov)>; Welton, Patricia <[Welton.Patricia@epa.gov](mailto:Welton.Patricia@epa.gov)>; Smith, Suzanne <[Smith.Suzanne@epa.gov](mailto:Smith.Suzanne@epa.gov)>; Murdock, Russell <[Murdock.Russell@epa.gov](mailto:Murdock.Russell@epa.gov)>  
**Subject:** RE: Rev. DRAFT Informal Resolution Agreement: EPA Complaint No 27R-16-R6

Good afternoon to all,

I am in receipt. I will share with the team in R6 for comments.

Do you have a timeline for comments? Thanks in advance.

Regards,  
Marcia

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**From:** Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>  
**Sent:** Thursday, February 27, 2020 1:26 PM  
**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Khan, Zahra <[Khan.Zahra@epa.gov](mailto:Khan.Zahra@epa.gov)>; Johnson, Johahna <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>; Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>; Moncrieffe, Marcia <[Moncrieffe.Marcia@epa.gov](mailto:Moncrieffe.Marcia@epa.gov)>  
**Subject:** Rev. DRAFT Informal Resolution Agreement: EPA Complaint No 27R-16-R6

Attached is a revised draft of the informal resolution agreement for complaint number 27R-16-R6.

This revision includes reference to:

- Proposed actions and contemplation of activities for ADEQ following the onsite May 2019 meeting; and
- The Amended Consent Decree that is currently issued for public comment.

Please review and provide your comments.

**To:** mcalister[mcalister@adeq.state.ar.us]  
**Cc:** Linck, Julie[Linck@adeq.state.ar.us]; Khoury, Shane[Shane.Khoury@adeq.state.ar.us]; Temple, Kurt[Temple.Kurt@epa.gov]; Rhines, Dale[rhines.dale@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Khan, Zahra[Khan.Zahra@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Moncrieffe, Marcia[Moncrieffe.Marcia@epa.gov]; Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Gray, David[gray.david@epa.gov]  
**From:** Dorka, Lilian[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AF796221E00A4A338CEA3C72ADBD0D57-DORKA, LILL]  
**Sent:** Fri 2/28/2020 10:02:19 PM (UTC)  
**Subject:** Re: Draft Informal Resolution Agreement  
2-28-20 DRAFT Informal Resolution Agreement Complaint No 27R-16-R6 - with comments and questions for consideration and discussion.docx

Hello Michael, hope you're doing well! Attached is a redline of the agreement we all worked on last spring with some edits, comments and questions for your consideration. Please let us know if you have any questions at this time.

As we discussed, let's plan to connect over the next few weeks to go over and discuss the attached. Thanks again and have a great weekend! Lilian

---

**From:** McAlister, Michael <MCALISTER@adeq.state.ar.us>  
**Sent:** Tuesday, February 25, 2020 9:41 AM  
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>  
**Cc:** Linck, Julie <Linck@adeq.state.ar.us>; Khoury, Shane <Shane.Khoury@adeq.state.ar.us>  
**Subject:** RE: Draft Informal Resolution Agreement

Lilian,  
It was truly a pleasure to have you join us for that program and to have the opportunity to visit with you. I will look for your redline, and we will get this thing moving.  
Thanks again for coming to Arkansas – you're welcome back any time!  
Michael

**Michael McAlister** | Deputy Chief Counsel  
**Energy and Environment** | Office of Chief Counsel  
5301 Northshore Drive | North Little Rock, AR 72118  
t: 501.682.0918 | e: [mcalister@adeq.state.ar.us](mailto:mcalister@adeq.state.ar.us)



---

**From:** Dorka, Lilian [mailto:Dorka.Lilian@epa.gov]  
**Sent:** Tuesday, February 25, 2020 8:33 AM  
**To:** Linck, Julie; McAlister, Michael  
**Cc:** Temple, Kurt; Rhines, Dale; Covington, Jeryl; Khan, Zahra; Johnson, Johahna; Moncrieffe, Marcia; Barnett, Cheryl  
**Subject:** Draft Informal Resolution Agreement

Hi Julie and Michael,

Thanks again for the warm hospitality – it was a great Black History Month event! Thanks also for meeting with me about the draft agreement. I expect to be able to send you a redlined draft (in light of the changed circumstances, CD, etc.) by the end of this week. In the meantime, please let me know if you have any questions. Thanks again!

Lilian

Lilian Sotolongo Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-9649 - Office  
202-695-9888 - Cell



**To:** Barnett, Cheryl[Barnett.Cheryl@epa.gov]  
**From:** Covington, Jeryl[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5744FF31964349539994E9EB4C3F90FC-COVINGTON,]  
**Sent:** Thur 5/21/2020 2:44:29 PM (UTC)  
**Subject:** FW: 05.20.20 DRAFT Informal Resolution Agreement Complaint No 27R-16-R6.  
05.20.20 DRAFT Informal Resolution Agreement Complaint No 27R-16-R6.docx

For discussion.

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**From:** Covington, Jeryl  
**Sent:** Wednesday, May 20, 2020 12:58 PM  
**To:** Khan, Zahra <Khan.Zahra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>  
**Subject:** 05.20.20 DRAFT Informal Resolution Agreement Complaint No 27R-16-R6.

For the May 21, 2020 discussion of the amended CD:

Per the amended CD, I have revised some of the obligations proposed for ADEQ. As a result of the amendment, the anticipated deletions are highlighted.

Please note that ADEQ was previously requested to address and amend the February 28, 2020 draft agreement that culminated items discussed with them in May 2019. To date, ECRCO is not in receipt of their revision.

The basis of the attached draft is the February 28, 2020 draft that was issued to ADEQ.

**To:** Khan, Zahra[Khan.Zahra@epa.gov]  
**Cc:** Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Johnson, Johanna[Johnson.Johanna@epa.gov]  
**From:** Moncrieffe, Marcia[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEE0FF61229A4D2C9B85D3D2EC0CD52F-MONCRIEFFE, MARCIA]  
**Sent:** Wed 5/27/2020 4:24:04 PM (UTC)  
**Subject:** DEQ Title VI  
2020.02.21 Rev. DRAFT Informal Resolution Agreement Complaint No 27R-16-R6.docxMM (002).docx

Good morning Zahra,

I hope the day has started well for you.

I saw that you rescheduled the call of today for Friday (5/29) and I declined since I will be off.

Still, I would like to share that from the changes I saw they look to correspond with the Amended Consent Decree ("ACD"). Please note, I only focused on the changes made since the last time I reviewed the draft. I can also share that I did talk for a bit with Cheryl B., and as well she agreed that the recent changes seem to correspond to the ACD.

I did see few typos throughout the document- they just pop out to me from a cursory look throughout the document. I have attached the revised draft to this email.

I remain available today and tomorrow of this week, and thanks for the opportunity to review.

With kind regards,  
Marcia

**To:** Barnett, Cheryl[Barnett.Cheryl@epa.gov]  
**Cc:** Stucky, Marie[Stucky.Marie@epa.gov]  
**From:** Frey, Sarah[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F4A8B80159874BBAA08CF46223A9998C-FREY, SARAH]  
**Sent:** Thur 6/4/2020 2:18:32 PM (UTC)  
**Subject:** FW: ADEQ Title VI Complaint (EPA Complaint No. 27R-16-R6): The Draft Informal Resolution Agreement  
DRAFT Informal Resolution Agreement Complaint No 27R-16-R6 DEQ-edits.docx

Hi Cheryl,

Marcia thinks it may be valuable to include me in the Title VI discussions today. I saw that Margaret was still on the invite – should Marie be looped in instead?

Would you like us on the call this afternoon?

Sarah

---

**From:** Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>  
**Sent:** Wednesday, June 3, 2020 5:39 PM  
**To:** Frey, Sarah <frey.sarah@epa.gov>  
**Subject:** FW: ADEQ Title VI Complaint (EPA Complaint No. 27R-16-R6): The Draft Informal Resolution Agreement  
**Importance:** High

Good afternoon Sarah,

Given your contribution to the GP case and its implication to the referenced matter, I believe I should include you on these emails.

Also, I will forward an invitation to you regarding an upcoming Title VI discussion between DEQ and EPA, during which aspects of the Amended Consent Decree and the current SEPs may be discussed.

The attachment to this email relates to the Title VI matter.

With kind regards,  
Marcia

---

**From:** Moncrieffe, Marcia  
**Sent:** Wednesday, June 03, 2020 3:09 PM  
**To:** Gray, David <gray.david@epa.gov>  
**Cc:** Smith, Suzanne <Smith.Suzanne@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Murdock, Russell <Murdock.Russell@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; Burrell, Monica <Burrell.Monica@epa.gov>; Hayes, Mark <hayes.mark@epa.gov>; Vaughn, Gloria <Vaughn.Gloria@epa.gov>; Blanco, Arturo <Blanco.Arturo@epa.gov>; Osbourne, Margaret <osbourne.margaret@epa.gov>  
**Subject:** ADEQ Title VI Complaint (EPA Complaint No. 27R-16-R6): The Draft Informal Resolution Agreement  
**Importance:** High

Good afternoon David,

As you are aware, from my earlier emails and the invitation shared with you, EPA (ECRCO and R6) has a call with ADEQ scheduled for tomorrow (6/4/20) regarding the referenced agreement.

The main purpose of the call is for EPA to hear DEQ’s current response to the Draft Information Resolution Agreement and to discuss next steps in achieving an agreement between DEQ and ECRCO.

I also want to share with you that over the last week, we/R6 have been having different communications with ECRCO in preparation for the upcoming call with DEQ. The issues that have been discussed and/or inquired about are as follows:

How has the Amended Consent Decree (“ACD”)- United States of America and Arkansas Department of Energy and Environment, Division of Environment Quality v. Georgia-Pacific Chemicals LLC and Georgia-Pacific Consumer Operations LLC (Case No. 1:18-cv-01076-SOH) affected

the Draft Informal Resolution Agreement?

Has the enforcement case team responded and/or prepared responses to ACD's public comments?

What level of communication has R6 EJ group had most recently with the community?

What is the RCRA generator status of the Georgia-Pacific facility and current RCRA activities at the facility?

Also, there are some follow-ups questions regarding the NPDES issues at the facility.

The draft attached, I just received from ECRCO sent to Lilian moments ago. I have attached it to this email so that R6, who are copied to this email, may look to see if there is any additional responses we should be prepared to share with ECRCO/me before the call of tomorrow.

I hope this email is helpful, as I remain available.

With kind regards,  
Marcia

**To:** Covington, Jeryl[Covington.Jeryl@epa.gov]  
**Cc:** Khan, Zahra[Khan.Zahra@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Rhines, Dale[rhines.dale@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Frey, Sarah[frej.sarah@epa.gov]; Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Vaughn, Gloria[Vaughn.Gloria@epa.gov]; Blanco, Arturo[Blanco.Arturo@epa.gov]; Vaughn, Gloria[Vaughn.Gloria@epa.gov]; Burrell, Monica[Burrell.Monica@epa.gov]; Brown, Jamesr[brown.jamesr@epa.gov]; Nelson, Russell[nelson.russell@epa.gov]; Ryland, Renea[Ryland.Renea@epa.gov]  
**From:** Moncrieffe, Marcia[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEE0FF61229A4D2C9B85D3D2EC0CD52F-MONCRIEFFE, MARCIA]  
**Sent:** Mon 8/10/2020 11:35:57 PM (UTC)  
**Subject:** RE: 2020.07.29 REVISED DRAFT Informal Resolution Agreement Complaint No 27R-16-R6.docxR6comments.docx  
2020.07.29 REVISED DRAFT Informal Resolution Agreement Complaint No 27R-16-R6.docxR6comments.docx

Good evening Jeryl,

As promised, I have attached the referenced draft document that includes R6's comments.

I have read through the document to the point of the last green highlight to ensure that R6 responded to all ECRCO's request. Upon your receipt and after your initial review, if you have questions or comment(s), we here in R6 remain available. If you believe it is more efficient to speak with us as a group or individually, please do not hesitate.

All commenters from R6 are copied on this email. Thank you R6 team for your responses and cooperation!

With kind regards,  
Marcia

---

**From:** Moncrieffe, Marcia  
**Sent:** Tuesday, August 04, 2020 8:12 AM  
**To:** Covington, Jeryl <Covington.Jeryl@epa.gov>  
**Cc:** Khan, Zahra <Khan.Zahra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Frey, Sarah <frej.sarah@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Vaughn, Gloria <Vaughn.Gloria@epa.gov>; Blanco, Arturo <Blanco.Arturo@epa.gov>; Vaughn, Gloria <Vaughn.Gloria@epa.gov>  
**Subject:** RE: 2020.07.29 REVISED DRAFT Informal Resolution Agreement Complaint No 27R-16-R6.docxR6comments.docx

Jeryl,

You are welcome.

I will pass you question forward. Do you have any other related questions so we may address at the same time?

Thanks,  
Marcia

---

**From:** Covington, Jeryl <Covington.Jeryl@epa.gov>  
**Sent:** Tuesday, August 04, 2020 6:33 AM  
**To:** Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>  
**Cc:** Khan, Zahra <Khan.Zahra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Frey, Sarah <frej.sarah@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Vaughn, Gloria <Vaughn.Gloria@epa.gov>; Blanco, Arturo <Blanco.Arturo@epa.gov>  
**Subject:** RE: 2020.07.29 REVISED DRAFT Informal Resolution Agreement Complaint No 27R-16-R6.docxR6comments.docx

Thank you for providing this information and for address the inquiry related to this section of the document.

Follow-up:

Is Region 6 working (or potentially proposing ) on any similar projects in this area since the state agencies have concluded their work?

---

**From:** Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>  
**Sent:** Monday, August 03, 2020 5:59 PM

ED\_006641\_00000033-00001

**To:** Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>

**Cc:** Khan, Zahra <[Khan.Zahra@epa.gov](mailto:Khan.Zahra@epa.gov)>; Johnson, Johanna <[Johnson.Johanna@epa.gov](mailto:Johnson.Johanna@epa.gov)>; Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Frey, Sarah <[frey.sarah@epa.gov](mailto:frey.sarah@epa.gov)>; Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>; Vaughn, Gloria <[Vaughn.Gloria@epa.gov](mailto:Vaughn.Gloria@epa.gov)>; Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>

**Subject:** FW: 2020.07.29 REVISED DRAFT Informal Resolution Agreement Complaint No 27R-16-R6.docxR6comments.docx

Jeryl,

Because R6's response to your comment ([seen in the Background, Section II.C](#)) of the referenced draft Agreement is extensive, as seen by the email below and its attachments, I thought it best to share with you today and not wait for the other responses. In so doing you could begin your review of the response. Do know as well that our EJ team will also review the draft and provide input.

I have sought and received Sarah's ok to forward to you directly her email and attachments. I hope this is helpful.

With kind regards,  
Marcia

---

**From:** Frey, Sarah <[frey.sarah@epa.gov](mailto:frey.sarah@epa.gov)>

**Sent:** Monday, August 03, 2020 3:00 PM

**To:** Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>

**Cc:** Moncrieffe, Marcia <[Moncrieffe.Marcia@epa.gov](mailto:Moncrieffe.Marcia@epa.gov)>

**Subject:** RE: 2020.07.29 REVISED DRAFT Informal Resolution Agreement Complaint No 27R-16-R6.docxR6comments.docx

On June 6, 2016 ADH/ATSDR released a Health Consultation entitled "Review of Community Drinking Water and Health Outcome Data in Response to Community Requests of Residents Near the Georgia-Pacific Corporation Crossett Paper Operations".

On August 14, 2019 ADH/ATSDR released a Health Consultation entitled "Evaluation of Community Air Exposures to Hydrogen Sulfide and Concerns Related to the Georgia-Pacific Corporation Paper Operations and Wastewater Treatment Plant".

Additionally, from October 1, 2014 to July 9, 2019 ADH reviewed biweekly reports and special reports regarding the for the Georgia-Pacific (GP) Crossett Mill hydrogen sulfide (H2S) and meteorological monitoring program. ADH would transmit the reports to DEQ for public posting after review.

I am not aware of any continuing activities between DEQ and ADH.

For more chronology details, either EJ or one of our original briefing sheets may have more specific details, if needed.

Let me know if you need more information.

Sarah Frey, PhD  
Environmental Scientist, Air Toxics Section (ECDAT)  
Enforcement & Compliance Assurance Division  
US EPA Region 6  
1201 Elm Street, Suite 500  
Dallas, TX 75270  
214-665-6499

**From:** Khan, Zahra[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C20DB37EC2C49948C2B6DBA2856EF30-KHAN, ZAHRA]  
**Attendees:** Covington, Jeryl; Dorka, Lilian; Rhines, Dale; Johnson, Johahna; Frey, Sarah; Barnett, Cheryl; Vaughn, Gloria; Blanco, Arturo; Burrell, Monica; Brown, Jamesr; Ryland, Renea; Moncrieffe, Marcia; Nelson, Russell  
**Location:** Microsoft Teams Meeting  
**Importance:** Normal  
**Subject:** EPA Complaint No. 27R-16-R6 Follow up Discussion with Region on Draft IRA  
**Start Time:** Fri 8/21/2020 6:00:00 PM (UTC)  
**End Time:** Fri 8/21/2020 7:00:00 PM (UTC)  
**Required Attendees:** Covington, Jeryl; Dorka, Lilian; Rhines, Dale; Johnson, Johahna; Frey, Sarah; Barnett, Cheryl; Vaughn, Gloria; Blanco, Arturo; Burrell, Monica; Brown, Jamesr; Ryland, Renea; Moncrieffe, Marcia; Nelson, Russell

2020.08.20 REVISED DRAFT IRA Complaint No 27R-16-R6.docx

I have confirmed attendance and we will move forward with this meeting. Please see latest updated draft attached.

---

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---

**To:** Khan, Zahra[Khan.Zahra@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Rhines, Dale[rhines.dale@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Frey, Sarah[frej.sarah@epa.gov]; Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Vaughn, Gloria[Vaughn.Gloria@epa.gov]; Blanco, Arturo[Blanco.Arturo@epa.gov]; Burrell, Monica[Burrell.Monica@epa.gov]; Brown, Jamesr[brown.jamesr@epa.gov]; Ryland, Renea[Ryland.Renea@epa.gov]; Moncrieffe, Marcia[Moncrieffe.Marcia@epa.gov]; Nelson, Russell[nelson.russell@epa.gov]  
**From:** Covington, Jeryl[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5744FF31964349539994E9EB4C3F90FC-COVINGTON,]  
**Sent:** Fri 8/21/2020 7:32:11 PM (UTC)  
**Subject:** EPA Complaint Number27R-16-R6: Draft IRA  
2020.08.21 REVISED DRAFT IRA Complaint No 27R-16-R6.docx

As discussed, attached is the revised IRA for EPA complaint number27R-16-R6.

Pleas provide comments by Monday, August 24, 2020.

Jeryl W. Covington  
Environmental Protection Specialist  
U.S. Environmental Protection Agency  
Office of General Counsel|External Civil Rights Compliance Office  
1200 Pennsylvania Avenue, N.W.|WJC-North|Rm 2524  
Mail Code: 2310A  
Washington, DC 20460  
Desk: (202) 564-7713  
Fax: (202) 565-0196  
covington.jeryl@epa.gov



**To:** Barnett, Cheryl[Barnett.Cheryl@epa.gov]  
**Cc:** Moncrieffe, Marcia[Moncrieffe.Marcia@epa.gov]  
**From:** Covington, Jeryl[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5744FF31964349539994E9EB4C3F90FC-COVINGTON,]  
**Sent:** Mon 8/24/2020 12:58:51 PM (UTC)  
**Subject:** RE: 2020.08.21 REVISED DRAFT IRA Complaint No 27R-16-R6.docx  
2020.08.24 REVISED DRAFT IRA Complaint No 27R-16-R6.docx

Yes, I have modified the draft by inserting the changes you have submitted (attached).

---

**From:** Barnett, Cheryl <Barnett.Cheryl@epa.gov>  
**Sent:** Monday, August 24, 2020 8:56 AM  
**To:** Covington, Jeryl <Covington.Jeryl@epa.gov>  
**Cc:** Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>  
**Subject:** Re: 2020.08.21 REVISED DRAFT IRA Complaint No 27R-16-R6.docx

I probably caused some confusion there. After looking at emails, I see now that Marcia was planning to gather all region 6 comments and send them to you midmorning.

Cheryl

On Aug 24, 2020, at 7:10 AM, Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)> wrote:

I will modify accordingly.

Do you know whether there will be other comments from Region 6 or can this draft be finalized?

---

**From:** Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>  
**Sent:** Monday, August 24, 2020 8:02 AM  
**To:** Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>  
**Cc:** Moncrieffe, Marcia <[Moncrieffe.Marcia@epa.gov](mailto:Moncrieffe.Marcia@epa.gov)>  
**Subject:** 2020.08.21 REVISED DRAFT IRA Complaint No 27R-16-R6.docx

I've added a few minor edits using track changes.

Cheryl

**To:** Covington, Jeryl[Covington.Jeryl@epa.gov]; Khan, Zahra[Khan.Zahra@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Rhines, Dale[rhines.dale@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Frey, Sarah[frej.sarah@epa.gov]; Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Vaughn, Gloria[Vaughn.Gloria@epa.gov]; Blanco, Arturo[Blanco.Arturo@epa.gov]; Burrell, Monica[Burrell.Monica@epa.gov]; Brown, Jamesr[brown.jamesr@epa.gov]; Ryland, Renea[Ryland.Renea@epa.gov]; Nelson, Russell[nelson.russell@epa.gov]  
**From:** Moncrieffe, Marcia[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEE0FF61229A4D2C9B85D3D2EC0CD52F-MONCRIEFFE, MARCIA]  
**Sent:** Mon 8/24/2020 3:05:01 PM (UTC)  
**Subject:** RE: EPA Complaint Number27R-16-R6: Draft IRA  
RR comments on 2020.08.21 REVISED DRAFT IRA Complaint No 27R-16-R6.docxMM.docx

Good morning to all,

Jeryl,

In following from our call of last Friday, I have attached to this email the document with comments from R6 to meet the promised deadline 10:00 am (CT)/11:00 am (ET).

Please note that although Cheryl's comments are not in this document, it is only because I know you are in receipt and have updated your master. Thanks, Cheryl.

Also, I should add that in my review of the document, I specifically focused on the commitment section to make sure that DEQ is the sole entity responsible for each action to be taken and I did not see any commitment contrary to this position.

I will be working until 12:30 pm (CT) today and will remain available if you have questions.

With kind regards,  
Marcia

---

**From:** Moncrieffe, Marcia  
**Sent:** Friday, August 21, 2020 2:47 PM  
**To:** Covington, Jeryl <Covington.Jeryl@epa.gov>; Khan, Zahra <Khan.Zahra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Frey, Sarah <frej.sarah@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Vaughn, Gloria <Vaughn.Gloria@epa.gov>; Blanco, Arturo <Blanco.Arturo@epa.gov>; Burrell, Monica <Burrell.Monica@epa.gov>; Brown, Jamesr <brown.jamesr@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; Nelson, Russell <nelson.russell@epa.gov>  
**Subject:** RE: EPA Complaint Number27R-16-R6: Draft IRA

Thanks Jeryl!

**To R6**, I expect to respond to Jeryl by 10:00 am (CT) on Monday (8/24) and even if you have no comments please let me know so that I can confirm that all comments are included.

A good weekend to all.  
Marcia

---

**From:** Covington, Jeryl <Covington.Jeryl@epa.gov>  
**Sent:** Friday, August 21, 2020 2:32 PM  
**To:** Khan, Zahra <Khan.Zahra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Frey, Sarah <frej.sarah@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Vaughn, Gloria <Vaughn.Gloria@epa.gov>; Blanco, Arturo <Blanco.Arturo@epa.gov>; Burrell, Monica <Burrell.Monica@epa.gov>; Brown, Jamesr <brown.jamesr@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>; Nelson, Russell <nelson.russell@epa.gov>  
**Subject:** EPA Complaint Number27R-16-R6: Draft IRA

As discussed, attached is the revised IRA for EPA complaint number27R-16-R6.

Pleas provide comments by Monday, August 24, 2020.

Jeryl W. Covington  
Environmental Protection Specialist

ED\_006641\_00000043-00001

U.S. Environmental Protection Agency  
Office of General Counsel|External Civil Rights Compliance Office  
1200 Pennsylvania Avenue, N.W.|WJC-North|Rm 2524  
Mail Code: 2310A  
Washington, DC 20460  
Desk: (202) 564-7713  
Fax: (202) 565-0196  
[covington.jeryl@epa.gov](mailto:covington.jeryl@epa.gov)

**To:** Moncrieffe, Marcia[Moncrieffe.Marcia@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Khan, Zahra[Khan.Zahra@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Rhines, Dale[rhines.dale@epa.gov]; Frey, Sarah[frej.sarah@epa.gov]; Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Vaughn, Gloria[Vaughn.Gloria@epa.gov]; Blanco, Arturo[Blanco.Arturo@epa.gov]; Burrell, Monica[Burrell.Monica@epa.gov]; Brown, Jamesr[brown.jamesr@epa.gov]; Ryland, Renea[Ryland.Renea@epa.gov]; Nelson, Russell[nelson.russell@epa.gov]  
**From:** Dorka, Lilian[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AF796221E00A4A338CEA3C72ADBD0D57-DORKA, LILL]  
**Sent:** Mon 8/24/2020 7:34:23 PM (UTC)  
**Subject:** RE: EPA Complaint Number27R-16-R6: Draft IRA  
2020.08.24 REVISED DRAFT IRA Complaint No 27R-16-R6 dorka.docx

Hello everyone, still in the interest of getting a draft agreement back to DEQ TODAY, I reviewed the “clean” draft with appropriate comments that Jeryl sent to all of us this morning. I have a question (see attached in yellow highlight on page 4) re whether the comments on page 4 are needed any longer given we now have comments along the same lines in the commitment section? Please ECRCO/CRFLO and regional team let me know what you think.

Only other thing is that I added a one sentence comment on behalf of ECRCO on page 5 (also in yellow highlight) about need to address the coffee/mossy eval to resolve the issues of the complaint. I added this to make clear that this is an issue – not only for region 6 but also for ECRCO. Please let me know what you think team.

I plan to send the agreement back to Michael by 7:00 EST (6:00 CST.) Thanks all!

Lilian Sotolongo Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-9649 - Office  
202-695-9888 - Cell

---

**From:** Dorka, Lilian  
**Sent:** Monday, August 24, 2020 12:12 PM  
**To:** Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Khan, Zahra <Khan.Zahra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Frey, Sarah <frej.sarah@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Vaughn, Gloria <Vaughn.Gloria@epa.gov>; Blanco, Arturo <Blanco.Arturo@epa.gov>; Burrell, Monica <Burrell.Monica@epa.gov>; Brown, Jamesr <brown.jamesr@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; Nelson, Russell <nelson.russell@epa.gov>  
**Subject:** RE: EPA Complaint Number27R-16-R6: Draft IRA

Thanks Marcia and colleagues! As agreed, I have told Michael McAllister that I am sending him a draft today and he in turn is trying to set up a meeting for this Thursday or early next week at the latest. I have asked Jeryl to go through the regional comments and reconcile so that we have a clean version I can send Michael today. Hopefully, there are no show stoppers. But I have asked Jeryl to let me know that as well. \* Thanks again! Lilian

Lilian Sotolongo Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-9649 - Office  
202-695-9888 - Cell

---

**From:** Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>  
**Sent:** Monday, August 24, 2020 11:05 AM  
**To:** Covington, Jeryl <Covington.Jeryl@epa.gov>; Khan, Zahra <Khan.Zahra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Frey, Sarah <frej.sarah@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Vaughn, Gloria <Vaughn.Gloria@epa.gov>; Blanco, Arturo <Blanco.Arturo@epa.gov>; Burrell, Monica <Burrell.Monica@epa.gov>; Brown, Jamesr <brown.jamesr@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; Nelson, Russell <nelson.russell@epa.gov>

**Subject:** RE: EPA Complaint Number27R-16-R6: Draft IRA

Good morning to all,

Jeryl,

In following from our call of last Friday, I have attached to this email the document with comments from R6 to meet the promised deadline 10:00 am (CT)/11:00 am (ET).

Please note that although Cheryl's comments are not in this document, it is only because I know you are in receipt and have updated your master. Thanks, Cheryl.

Also, I should add that in my review of the document, I specifically focused on the commitment section to make sure that DEQ is the sole entity responsible for each action to be taken and I did not see any commitment contrary to this position.

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Marcia

---

**From:** Moncrieffe, Marcia

**Sent:** Friday, August 21, 2020 2:47 PM

**To:** Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Khan, Zahra <[Khan.Zahra@epa.gov](mailto:Khan.Zahra@epa.gov)>; Johnson, Johahna <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>; Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Frey, Sarah <[frey.sarah@epa.gov](mailto:frey.sarah@epa.gov)>; Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>; Vaughn, Gloria <[Vaughn.Gloria@epa.gov](mailto:Vaughn.Gloria@epa.gov)>; Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>; Burrell, Monica <[Burrell.Monica@epa.gov](mailto:Burrell.Monica@epa.gov)>; Brown, Jamesr <[brown.jamesr@epa.gov](mailto:brown.jamesr@epa.gov)>; Ryland, Renea <[Ryland.Renea@epa.gov](mailto:Ryland.Renea@epa.gov)>; Nelson, Russell <[nelson.russell@epa.gov](mailto:nelson.russell@epa.gov)>

**Subject:** RE: EPA Complaint Number27R-16-R6: Draft IRA

Thanks Jeryl!

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Marcia

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**Sent:** Friday, August 21, 2020 2:32 PM

**To:** Khan, Zahra <[Khan.Zahra@epa.gov](mailto:Khan.Zahra@epa.gov)>; Johnson, Johahna <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>; Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Frey, Sarah <[frey.sarah@epa.gov](mailto:frey.sarah@epa.gov)>; Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>; Vaughn, Gloria <[Vaughn.Gloria@epa.gov](mailto:Vaughn.Gloria@epa.gov)>; Blanco, Arturo <[Blanco.Arturo@epa.gov](mailto:Blanco.Arturo@epa.gov)>; Burrell, Monica <[Burrell.Monica@epa.gov](mailto:Burrell.Monica@epa.gov)>; Brown, Jamesr <[brown.jamesr@epa.gov](mailto:brown.jamesr@epa.gov)>; Ryland, Renea <[Ryland.Renea@epa.gov](mailto:Ryland.Renea@epa.gov)>; Moncrieffe, Marcia <[Moncrieffe.Marcia@epa.gov](mailto:Moncrieffe.Marcia@epa.gov)>; Nelson, Russell <[nelson.russell@epa.gov](mailto:nelson.russell@epa.gov)>

**Subject:** EPA Complaint Number27R-16-R6: Draft IRA

As discussed, attached is the revised IRA for EPA complaint number27R-16-R6.

Pleas provide comments by Monday, August 24, 2020.

Jeryl W. Covington  
Environmental Protection Specialist  
U.S. Environmental Protection Agency  
Office of General Counsel|External Civil Rights Compliance Office  
1200 Pennsylvania Avenue, N.W.|WJC-North|Rm 2524  
Mail Code: 2310A  
Washington, DC 20460  
Desk: (202) 564-7713  
Fax: (202) 565-0196

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**To:** Covington, Jeryl[Covington.Jeryl@epa.gov]; Khan, Zahra[Khan.Zahra@epa.gov]; Johnson, Johanna[Johnson.Johanna@epa.gov]; Rhines, Dale[rhines.dale@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Frey, Sarah[frej.sarah@epa.gov]; Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Vaughn, Gloria[Vaughn.Gloria@epa.gov]; Blanco, Arturo[Blanco.Arturo@epa.gov]; Burrell, Monica[Burrell.Monica@epa.gov]; Brown, Jamesr[brown.jamesr@epa.gov]; Ryland, Renea[Ryland.Renea@epa.gov]; Nelson, Russell[nelson.russell@epa.gov]  
**From:** Dorka, Lilian[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AF796221E00A4A338CEA3C72ADBD0D57-DORKA, LILL]  
**Sent:** Mon 8/24/2020 8:49:02 PM (UTC)  
**Subject:** FW: Next draft of Informal Resolution Agreement - DEQ  
2020.08.24 REVISED DRAFT IRA Complaint No 27R-16-R6 CLEAN for discussion with DEQ.docx

Hello Team,

Please see my note to Michael McAlister below and the attached draft. I will keep you posted on his response. Thanks again for all your work on this! Lilian

Lilian Sotolongo Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-9649 - Office  
202-695-9888 - Cell

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**From:** Dorka, Lilian  
**Sent:** Monday, August 24, 2020 4:46 PM  
**To:** 'McAlister, Michael' <MCALISTER@adeq.state.ar.us>  
**Subject:** Next draft of Informal Resolution Agreement  
**Importance:** High

Thanks again Michael for all of your help! Attached is the “clean” draft with annotated comments to aid in our discussion. Let’s plan to start our conversation with the Commitments Section (Section III) to make sure we get to the most important issues – such as the Coffee/Mossy review issue.

Please let me know if it will be at all possible to speak this Thursday 8/27, afternoon between 12 and 3:00 your time. If not, next Tuesday, September 1 after 2:30 your time (3:30 DC time.) I think we should reserve an hour and a half if possible. Thanks so much and I am hopeful we can have a resolution this FY. Lilian

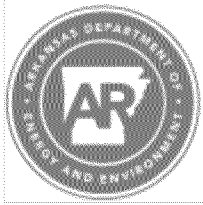
Lilian Sotolongo Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-9649 - Office  
202-695-9888 - Cell

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**From:** McAlister, Michael <MCALISTER@adeq.state.ar.us>  
**Sent:** Monday, August 24, 2020 10:49 AM  
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>  
**Subject:** RE: draft

Lilian,  
Good to hear from you. I very much appreciate the effort that went in to preparing a cleaned up draft, and I look forward to receiving that.  
I will check availability on this end for a call, but Thursday might not be workable – if not, I will get you proposed dates/times as soon as possible.  
I will also communicate to my management your desire to wrap this up by the end of September and will do everything I can to help us meet that goal. As I’ve shared with you before, I believe we have made significant progress is hashing out some complicated issues, and I continue to be encouraged and hopeful that we can find resolution.  
I hope that you and everyone on your end are well and remain safe in these challenging days. Look forward to talking soon,  
Michael

Michael McAlister | Deputy Chief Counsel  
Energy and Environment | Office of Chief Counsel  
5301 Northshore Drive | North Little Rock, AR 72118  
t: 501.682.0918 | e: [mcalist@adeq.state.ar.us](mailto:mcalist@adeq.state.ar.us)



**ARKANSAS**  
ENERGY & ENVIRONMENT

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**From:** Dorka, Lilian [<mailto:Dorka.Lilian@epa.gov>]  
**Sent:** Monday, August 24, 2020 8:56 AM  
**To:** McAlister, Michael  
**Subject:** RE: draft  
**Importance:** High

Hello Michael, hope you and your family are well! Sorry for the hiatus as we reviewed what you sent to us, conferred with the region and did a clean sweep over the doc. (The redline was getting very hard to read.)

I think we have worked most things through. However, there is still the issue of the assessment of Coffee Creek and Mossy Lake during the current Triennial review.

We have created a clean version of the agreement with some "bottom line" language that ECRCO and the Region would like to see, in order to resolve the complaint. We expect to have it ready to send to you **by this afternoon**.

Is there a way we can shoot for a call this Thursday (maybe 2-3 CST 3-4 EST as usual) to discuss thoroughly whatever issues or sticking points still remain? Or, if that is not possible, beginning of the week of the 31<sup>st</sup>?

I have assured my front office folks that we will resolve this complaint by the end of the fiscal year (9/30/2020) so I am trying mightily to have a signed agreement by then. I know you have been working hard to get this to the finish line. I think we are close so I'd like to give it a push with your help.

Please let me know what you think and expect another draft by this afternoon. Thanks so much for all your help Michael!

Lilian

Lilian Sotolongo Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-9649 - Office  
202-695-9888 - Cell

---

**From:** McAlister, Michael <[MCALISTER@adeq.state.ar.us](mailto:MCALISTER@adeq.state.ar.us)>  
**Sent:** Wednesday, July 1, 2020 9:06 AM  
**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>  
**Subject:** RE: draft

Lilian,  
Basil and I are ready to talk about the proposed edits we made to the draft that came out of our last discussion (please see attached.) This is Basil's and my work product – we have not had a chance to discuss this with the senior management in detail or

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have it reviewed/approved, but are hopeful that it addresses some of the issues raised and maybe gives us a path forward. I look forward to a productive discussion this afternoon and continued progress towards resolution.

Thanks!

Michael

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**From:** Dorka, Lilian [<mailto:Dorka.Lilian@epa.gov>]

**Sent:** Tuesday, June 30, 2020 6:25 PM

**To:** McAlister, Michael

**Subject:** Re: draft

Hi Michael , checking in to make sure we are set for tomorrow. Thanks!

Lilian S. Dorka, Director  
External Civil Rights Compliance Office  
EPA, Office of General Counsel  
WJC-North Room 2524  
202-564-9649 - Office  
202-695-9888 - Cell

Sent from my iPhone

On Jun 25, 2020, at 12:12 PM, Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)> wrote:

Hi Michael – hope all is great with you! Just wanted to check in and see if you had any paper you wanted to share before this afternoon’s call? Thanks! Lilian

Lilian Sotolongo Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-9649 - Office  
202-695-9888 - Cell

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**From:** McAlister, Michael <[MCALISTER@adeq.state.ar.us](mailto:MCALISTER@adeq.state.ar.us)>

**Sent:** Wednesday, June 3, 2020 3:54 PM

**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>

**Cc:** Hicks, Basil <[hicks@adeq.state.ar.us](mailto:hicks@adeq.state.ar.us)>; Linck, Julie <[Linck@adeq.state.ar.us](mailto:Linck@adeq.state.ar.us)>; Khoury, Shane <[Shane.Khoury@adeq.state.ar.us](mailto:Shane.Khoury@adeq.state.ar.us)>

**Subject:** draft

**Importance:** High

Lilian,  
Attached is the draft with suggested edits/comments.  
We can talk through any questions/concerns tomorrow.  
Thanks,

**Michael McAlister** | Deputy Chief Counsel  
**Energy and Environment** | **Office of Chief Counsel**  
5301 Northshore Drive | North Little Rock, AR 72118  
t: 501.682.0918 | e: [mcalister@adeq.state.ar.us](mailto:mcalister@adeq.state.ar.us)  
<image001.png>

**To:** Ryland, Renea[Ryland.Renea@epa.gov]; Burrell, Monica[Burrell.Monica@epa.gov]; Acosta, Gerardo[Acosta.Gerardo@epa.gov]; Vaughn, Gloria[Vaughn.Gloria@epa.gov]; Hayes, Mark[hayes.mark@epa.gov]; Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Wooster, Richard[Wooster.Richard@epa.gov]; Nelson, Russell[nelson.russell@epa.gov]  
**From:** Moncrieffe, Marcia[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEE0FF61229A4D2C9B85D3D2EC0CD52F-MONCRIEFFE, MARCIA]  
**Sent:** Thur 11/19/2020 9:11:27 PM (UTC)  
**Subject:** FW: Revised Draft IRA Arkansas DEQ  
2020.08.24 REVISED DRAFT IRA Complaint No 27R-16-R6-DEQ edits and comments-20201119.docx

Good afternoon,

Could you please see the attached and the email below.

Also, it would be a big help if you could please share with others in your group that I may have missed.

With many thanks,  
Marcia

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**From:** Dorka, Lilian <Dorka.Lilian@epa.gov>  
**Sent:** Thursday, November 19, 2020 3:05 PM  
**To:** Rhines, Dale <rhines.dale@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Khan, Zahra <Khan.Zahra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>  
**Subject:** Revised Draft IRA Arkansas DEQ  
**Importance:** High

Hi Team, please see Michael's note below and the attached. He and I are going to touch base tomorrow morning at 11 (EST). Will let you know if I learn anything more. I have not reviewed the attached but will do so before my call with him tomorrow. **Jeryl**, could you please set up a call for the first week in December so that the team can all go over this with Michael and Basil? Thanks very much! (**Marcia**, could you please share this with the rest of the Region 6 team?) Thanks all! Lilian

Lilian Sotolongo Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-9649 - Office  
202-695-9888 - Cell

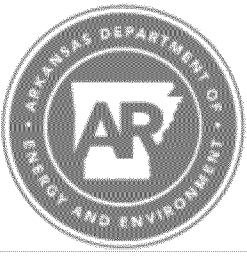
---

**From:** McAlister, Michael <MCALISTER@adeq.state.ar.us>  
**Sent:** Thursday, November 19, 2020 11:17 AM  
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>  
**Subject:** draft  
**Importance:** High

Lilian,  
Attached please find the draft with edits.  
Maybe we could schedule a group discussion the first week of December and get this wrapped up before Christmas...?  
Let's talk soon about next steps – if you have a few minutes, please call me on my cell (501) 246-6141. I am available today or tomorrow at your convenience.

Thanks,

**Michael McAlister** | Deputy Chief Counsel  
Energy and Environment | Office of Chief Counsel  
5301 Northshore Drive | North Little Rock, AR 72118  
t: 501.682.0918 | e: [mcalister@adeq.state.ar.us](mailto:mcalister@adeq.state.ar.us)



# ARKANSAS

ENERGY & ENVIRONMENT

**To:** Moncrieffe, Marcia[Moncrieffe.Marcia@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]  
**Cc:** Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Burrell, Monica[Burrell.Monica@epa.gov]; Acosta, Gerardo[Acosta.Gerardo@epa.gov]; Vaughn, Gloria[Vaughn.Gloria@epa.gov]; Hayes, Mark[hayes.mark@epa.gov]; Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Smith, Suzanne[Smith.Suzanne@epa.gov]; Hayes, Mark[hayes.mark@epa.gov]; Nelson, Russell[nelson.russell@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Rhines, Dale[rhines.dale@epa.gov]; Khan, Zahra[Khan.Zahra@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]  
**From:** Ryland, Renea[O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=C297436CC8ED44FBAAD04CC779FED45E-RYLAND, RENEA]  
**Sent:** Wed 12/9/2020 7:18:49 PM (UTC)  
**Subject:** RE: EPA Title VI Complaint -No. 27R-16-R6  
REVISED DRAFT IRA Complaint No 27R-16-R6-DEQ edits and comments-20201119dorka 12-7-20.docx

Hi all. I had a few comments, which are noted in the attached document for discussion this afternoon. Thanks! Renea

---

**From:** Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>  
**Sent:** Wednesday, December 09, 2020 10:55 AM  
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>  
**Cc:** Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Burrell, Monica <Burrell.Monica@epa.gov>; Acosta, Gerardo <Acosta.Gerardo@epa.gov>; Vaughn, Gloria <Vaughn.Gloria@epa.gov>; Hayes, Mark <hayes.mark@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Hayes, Mark <hayes.mark@epa.gov>; Nelson, Russell <nelson.russell@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Khan, Zahra <Khan.Zahra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>  
**Subject:** RE: EPA Title VI Complaint -No. 27R-16-R6

You are welcome!  
MM

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**From:** Dorka, Lilian <Dorka.Lilian@epa.gov>  
**Sent:** Wednesday, December 09, 2020 10:55 AM  
**To:** Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>  
**Cc:** Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Burrell, Monica <Burrell.Monica@epa.gov>; Acosta, Gerardo <Acosta.Gerardo@epa.gov>; Vaughn, Gloria <Vaughn.Gloria@epa.gov>; Hayes, Mark <hayes.mark@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Hayes, Mark <hayes.mark@epa.gov>; Nelson, Russell <nelson.russell@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Khan, Zahra <Khan.Zahra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>  
**Subject:** RE: EPA Title VI Complaint -No. 27R-16-R6

Excellent! Thanks so much Marcia and R6 colleagues!

Lilian Sotolongo Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-9649 - Office  
202-695-9888 - Cell

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**From:** Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>  
**Sent:** Wednesday, December 9, 2020 11:49 AM  
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>  
**Cc:** Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Burrell, Monica <Burrell.Monica@epa.gov>; Acosta, Gerardo <Acosta.Gerardo@epa.gov>; Vaughn, Gloria <Vaughn.Gloria@epa.gov>; Hayes, Mark <hayes.mark@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Hayes, Mark <hayes.mark@epa.gov>; Nelson, Russell <nelson.russell@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Khan, Zahra <Khan.Zahra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>  
**Subject:** RE: EPA Title VI Complaint -No. 27R-16-R6

Good morning, Lilian,

Happy to share that we have all on hands on deck for the call this afternoon.

MM

---

**From:** Moncrieffe, Marcia

**Sent:** Tuesday, December 08, 2020 7:18 PM

**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>

**Cc:** Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>; Burrell, Monica <[Burrell.Monica@epa.gov](mailto:Burrell.Monica@epa.gov)>; Acosta, Gerardo <[acosta.gerardo@epa.gov](mailto:acosta.gerardo@epa.gov)>; Vaughn, Gloria <[Vaughn.Gloria@epa.gov](mailto:Vaughn.Gloria@epa.gov)>; Hayes, Mark <[hayes.mark@epa.gov](mailto:hayes.mark@epa.gov)>; Ryland, Renea <[Ryland.Renea@epa.gov](mailto:Ryland.Renea@epa.gov)>; Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>; Smith, Suzanne <[Smith.Suzanne@epa.gov](mailto:Smith.Suzanne@epa.gov)>; Hayes, Mark <[hayes.mark@epa.gov](mailto:hayes.mark@epa.gov)>; Nelson, Russell <[nelson.russell@epa.gov](mailto:nelson.russell@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Khan, Zahra <[Khan.Zahra@epa.gov](mailto:Khan.Zahra@epa.gov)>; Johnson, Johahna <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>

**Subject:** RE: EPA Title VI Complaint -No. 27R-16-R6

I am happy to because I am working to make this happen as well, and we are so close.

I am waiting to see what happens tomorrow morning and remain optimistic.

Best for your evening.

Marcia

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**From:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>

**Sent:** Tuesday, December 08, 2020 7:16 PM

**To:** Moncrieffe, Marcia <[Moncrieffe.Marcia@epa.gov](mailto:Moncrieffe.Marcia@epa.gov)>

**Cc:** Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>; Burrell, Monica <[Burrell.Monica@epa.gov](mailto:Burrell.Monica@epa.gov)>; Acosta, Gerardo <[Acosta.Gerardo@epa.gov](mailto:Acosta.Gerardo@epa.gov)>; Vaughn, Gloria <[Vaughn.Gloria@epa.gov](mailto:Vaughn.Gloria@epa.gov)>; Hayes, Mark <[hayes.mark@epa.gov](mailto:hayes.mark@epa.gov)>; Ryland, Renea <[Ryland.Renea@epa.gov](mailto:Ryland.Renea@epa.gov)>; Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>; Smith, Suzanne <[Smith.Suzanne@epa.gov](mailto:Smith.Suzanne@epa.gov)>; Hayes, Mark <[hayes.mark@epa.gov](mailto:hayes.mark@epa.gov)>; Nelson, Russell <[nelson.russell@epa.gov](mailto:nelson.russell@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Khan, Zahra <[Khan.Zahra@epa.gov](mailto:Khan.Zahra@epa.gov)>; Johnson, Johahna <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>

**Subject:** RE: EPA Title VI Complaint -No. 27R-16-R6

OK, thanks very much Marcia for your efforts! I am pushing to have an agreement signed by the end of the year and DEQ shares in that commitment. As such, R6's assistance is greatly appreciated!

Lilian Sotolongo Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-9649 - Office  
202-695-9888 - Cell

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**From:** Moncrieffe, Marcia <[Moncrieffe.Marcia@epa.gov](mailto:Moncrieffe.Marcia@epa.gov)>

**Sent:** Tuesday, December 8, 2020 8:06 PM

**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>

**Cc:** Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>; Burrell, Monica <[Burrell.Monica@epa.gov](mailto:Burrell.Monica@epa.gov)>; Acosta, Gerardo <[Acosta.Gerardo@epa.gov](mailto:Acosta.Gerardo@epa.gov)>; Vaughn, Gloria <[Vaughn.Gloria@epa.gov](mailto:Vaughn.Gloria@epa.gov)>; Hayes, Mark <[hayes.mark@epa.gov](mailto:hayes.mark@epa.gov)>; Ryland, Renea <[Ryland.Renea@epa.gov](mailto:Ryland.Renea@epa.gov)>; Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>; Smith, Suzanne <[Smith.Suzanne@epa.gov](mailto:Smith.Suzanne@epa.gov)>; Hayes, Mark <[hayes.mark@epa.gov](mailto:hayes.mark@epa.gov)>; Nelson, Russell <[nelson.russell@epa.gov](mailto:nelson.russell@epa.gov)>

**Subject:** RE: EPA Title VI Complaint -No. 27R-16-R6

Good evening, Lilian,

I am not sure if the call of tomorrow (12/9) will be different from Monday's- not having all hands on deck so to speak.

The point being that from the email below and a subsequent calls of today to Renea and Monica, I have

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not heard from Renea and Monica, which is not like them either of them; so, I am thinking they must be on holidays given so many people are trying to use “use and loose”.

What I know for sure is that we need feedback from WATER before we proceed. I will copy others from WATER (legal and program) to see if Rena and Monica are out. For the program there are others who may be able to sit-in instead of Monica but we will need Rena. Let us see what comes from this email by noon tomorrow (12/9) and then we/you can decide.

**Suzanne**, could you please let us know as soon as possible if Rena is on holidays? Thanks in advance.  
**Mark**, could you please let us know as soon as possible if Monica is on holidays and/or if someone else in WATER could join tomorrow’s call? Thanks in advance.

Have a good evening,  
Marcia

---

**From:** Moncrieffe, Marcia  
**Sent:** Monday, December 07, 2020 2:10 PM  
**To:** Ryland, Renea <[Ryland.Renea@epa.gov](mailto:Ryland.Renea@epa.gov)>; Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>; Burrell, Monica <[Burrell.Monica@epa.gov](mailto:Burrell.Monica@epa.gov)>; Acosta, Gerardo <[acosta.gerardo@epa.gov](mailto:acosta.gerardo@epa.gov)>; Vaughn, Gloria <[Vaughn.Gloria@epa.gov](mailto:Vaughn.Gloria@epa.gov)>; McGuire, James <[McGuire.James@epa.gov](mailto:McGuire.James@epa.gov)>; Hayes, Mark <[hayes.mark@epa.gov](mailto:hayes.mark@epa.gov)>; Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>  
**Subject:** RE: EPA Title VI Complaint -No. 27R-16-R6

Good afternoon, to our R6 team,

You may have been aware that we had a call today with ECRCO at 1:30 (CT) pm in preparation to discuss the draft with Ark on Thursday of this week.

I received comments from Cheryl Barnett, and Gloria and I were on the call, but we really need to have our WATER team on the call; so, the call was rescheduled for Wednesday afternoon of this week based upon your calendars.

Please confirm receipt of this message and that you will be able to review the draft attached to the invitation and be able to join the call of Wed and Thru of this week. If you have questions, I remain available.

Thanks in advance.  
Marcia

**To:** Ryland, Renea[Ryland.Renea@epa.gov]; Moncrieffe, Marcia[Moncrieffe.Marcia@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]  
**Cc:** Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Burrell, Monica[Burrell.Monica@epa.gov]; Acosta, Gerardo[Acosta.Gerardo@epa.gov]; Vaughn, Gloria[Vaughn.Gloria@epa.gov]; Hayes, Mark[hayes.mark@epa.gov]; Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Smith, Suzanne[Smith.Suzanne@epa.gov]; Hayes, Mark[hayes.mark@epa.gov]; Temple, Kurt[Temple.Kurt@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Rhines, Dale[rhines.dale@epa.gov]; Khan, Zahra[Khan.Zahra@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]  
**From:** Nelson, Russell[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=E27FA59F166C40DEAAB3D866285A30BB-NELSON, RUSSELL]  
**Sent:** Wed 12/9/2020 8:01:29 PM (UTC)  
**Subject:** RE: EPA Title VI Complaint -No. 27R-16-R6  
REVISED DRAFT IRA Complaint No 27R-16-R6-DEQ edits and comments-20201119dorka 12-7-20.docx

Also added a few comments specific to the water quality standards issues.

*Russell*

---

**From:** Ryland, Renea <Ryland.Renea@epa.gov>  
**Sent:** Wednesday, December 09, 2020 1:19 PM  
**To:** Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>  
**Cc:** Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Burrell, Monica <Burrell.Monica@epa.gov>; Acosta, Gerardo <Acosta.Gerardo@epa.gov>; Vaughn, Gloria <Vaughn.Gloria@epa.gov>; Hayes, Mark <hayes.mark@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Hayes, Mark <hayes.mark@epa.gov>; Nelson, Russell <nelson.russell@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Khan, Zahra <Khan.Zahra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>  
**Subject:** RE: EPA Title VI Complaint -No. 27R-16-R6

Hi all. I had a few comments, which are noted in the attached document for discussion this afternoon. Thanks! Renea

---

**From:** Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>  
**Sent:** Wednesday, December 09, 2020 10:55 AM  
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>  
**Cc:** Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Burrell, Monica <Burrell.Monica@epa.gov>; Acosta, Gerardo <Acosta.Gerardo@epa.gov>; Vaughn, Gloria <Vaughn.Gloria@epa.gov>; Hayes, Mark <hayes.mark@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Hayes, Mark <hayes.mark@epa.gov>; Nelson, Russell <nelson.russell@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Khan, Zahra <Khan.Zahra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>  
**Subject:** RE: EPA Title VI Complaint -No. 27R-16-R6

You are welcome!  
MM

---

**From:** Dorka, Lilian <Dorka.Lilian@epa.gov>  
**Sent:** Wednesday, December 09, 2020 10:55 AM  
**To:** Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>  
**Cc:** Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Burrell, Monica <Burrell.Monica@epa.gov>; Acosta, Gerardo <Acosta.Gerardo@epa.gov>; Vaughn, Gloria <Vaughn.Gloria@epa.gov>; Hayes, Mark <hayes.mark@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Hayes, Mark <hayes.mark@epa.gov>; Nelson, Russell <nelson.russell@epa.gov>; Temple, Kurt <Temple.Kurt@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Khan, Zahra <Khan.Zahra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>  
**Subject:** RE: EPA Title VI Complaint -No. 27R-16-R6

Excellent! Thanks so much Marcia and R6 colleagues!

Lilian Sotolongo Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel

U.S. Environmental Protection Agency  
202-564-9649 - Office  
202-695-9888 - Cell

---

**From:** Moncrieffe, Marcia <[Moncrieffe.Marcia@epa.gov](mailto:Moncrieffe.Marcia@epa.gov)>

**Sent:** Wednesday, December 9, 2020 11:49 AM

**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>

**Cc:** Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>; Burrell, Monica <[Burrell.Monica@epa.gov](mailto:Burrell.Monica@epa.gov)>; Acosta, Gerardo <[Acosta.Gerardo@epa.gov](mailto:Acosta.Gerardo@epa.gov)>; Vaughn, Gloria <[Vaughn.Gloria@epa.gov](mailto:Vaughn.Gloria@epa.gov)>; Hayes, Mark <[hayes.mark@epa.gov](mailto:hayes.mark@epa.gov)>; Ryland, Renea <[Ryland.Renea@epa.gov](mailto:Ryland.Renea@epa.gov)>; Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>; Smith, Suzanne <[Smith.Suzanne@epa.gov](mailto:Smith.Suzanne@epa.gov)>; Hayes, Mark <[hayes.mark@epa.gov](mailto:hayes.mark@epa.gov)>; Nelson, Russell <[nelson.russell@epa.gov](mailto:nelson.russell@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Khan, Zahra <[Khan.Zahra@epa.gov](mailto:Khan.Zahra@epa.gov)>; Johnson, Johahna <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>

**Subject:** RE: EPA Title VI Complaint -No. 27R-16-R6

Good morning, Lilian,

Happy to share that we have all on hands on deck for the call this afternoon.

MM

---

**From:** Moncrieffe, Marcia

**Sent:** Tuesday, December 08, 2020 7:18 PM

**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>

**Cc:** Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>; Burrell, Monica <[Burrell.Monica@epa.gov](mailto:Burrell.Monica@epa.gov)>; Acosta, Gerardo <[acosta.gerardo@epa.gov](mailto:acosta.gerardo@epa.gov)>; Vaughn, Gloria <[Vaughn.Gloria@epa.gov](mailto:Vaughn.Gloria@epa.gov)>; Hayes, Mark <[hayes.mark@epa.gov](mailto:hayes.mark@epa.gov)>; Ryland, Renea <[Ryland.Renea@epa.gov](mailto:Ryland.Renea@epa.gov)>; Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>; Smith, Suzanne <[Smith.Suzanne@epa.gov](mailto:Smith.Suzanne@epa.gov)>; Hayes, Mark <[hayes.mark@epa.gov](mailto:hayes.mark@epa.gov)>; Nelson, Russell <[nelson.russell@epa.gov](mailto:nelson.russell@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Khan, Zahra <[Khan.Zahra@epa.gov](mailto:Khan.Zahra@epa.gov)>; Johnson, Johahna <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>

**Subject:** RE: EPA Title VI Complaint -No. 27R-16-R6

I am happy to because I am working to make this happen as well, and we are so close.

I am waiting to see what happens tomorrow morning and remain optimistic.

Best for your evening.

Marcia

---

**From:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>

**Sent:** Tuesday, December 08, 2020 7:16 PM

**To:** Moncrieffe, Marcia <[Moncrieffe.Marcia@epa.gov](mailto:Moncrieffe.Marcia@epa.gov)>

**Cc:** Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>; Burrell, Monica <[Burrell.Monica@epa.gov](mailto:Burrell.Monica@epa.gov)>; Acosta, Gerardo <[Acosta.Gerardo@epa.gov](mailto:Acosta.Gerardo@epa.gov)>; Vaughn, Gloria <[Vaughn.Gloria@epa.gov](mailto:Vaughn.Gloria@epa.gov)>; Hayes, Mark <[hayes.mark@epa.gov](mailto:hayes.mark@epa.gov)>; Ryland, Renea <[Ryland.Renea@epa.gov](mailto:Ryland.Renea@epa.gov)>; Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>; Smith, Suzanne <[Smith.Suzanne@epa.gov](mailto:Smith.Suzanne@epa.gov)>; Hayes, Mark <[hayes.mark@epa.gov](mailto:hayes.mark@epa.gov)>; Nelson, Russell <[nelson.russell@epa.gov](mailto:nelson.russell@epa.gov)>; Temple, Kurt <[Temple.Kurt@epa.gov](mailto:Temple.Kurt@epa.gov)>; Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Khan, Zahra <[Khan.Zahra@epa.gov](mailto:Khan.Zahra@epa.gov)>; Johnson, Johahna <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>

**Subject:** RE: EPA Title VI Complaint -No. 27R-16-R6

OK, thanks very much Marcia for your efforts! I am pushing to have an agreement signed by the end of the year and DEQ shares in that commitment. As such, R6's assistance is greatly appreciated!

Lilian Sotolongo Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-9649 - Office  
202-695-9888 - Cell

ED\_006641\_00000064-00002



**From:** Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>

**Sent:** Tuesday, December 8, 2020 8:06 PM

**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>

**Cc:** Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Burrell, Monica <Burrell.Monica@epa.gov>; Acosta, Gerardo <Acosta.Gerardo@epa.gov>; Vaughn, Gloria <Vaughn.Gloria@epa.gov>; Hayes, Mark <hayes.mark@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Hayes, Mark <hayes.mark@epa.gov>; Nelson, Russell <nelson.russell@epa.gov>

**Subject:** RE: EPA Title VI Complaint -No. 27R-16-R6

Good evening, Lilian,

I am not sure if the call of tomorrow (12/9) will be different from Monday's- not having all hands on deck so to speak.

The point being that from the email below and a subsequent calls of today to Renea and Monica, I have not heard from Renea and Monica, which is not like them either of them; so, I am thinking they must be on holidays given so many people are trying to use "use and loose".

What I know for sure is that we need feedback from WATER before we proceed. I will copy others from WATER (legal and program) to see if Rena and Monica are out. For the program there are others who may be able to sit-in instead of Monica but we will need Rena. Let us see what comes from this email by noon tomorrow (12/9) and then we/you can decide.

**Suzanne**, could you please let us know as soon as possible if Rena is on holidays? Thanks in advance.

**Mark**, could you please let us know as soon as possible if Monica is on holidays and/or if someone else in WATER could join tomorrow's call? Thanks in advance.

Have a good evening,  
Marcia

---

**From:** Moncrieffe, Marcia

**Sent:** Monday, December 07, 2020 2:10 PM

**To:** Ryland, Renea <Ryland.Renea@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Burrell, Monica <Burrell.Monica@epa.gov>; Acosta, Gerardo <acosta.gerardo@epa.gov>; Vaughn, Gloria <Vaughn.Gloria@epa.gov>; McGuire, James <McGuire.James@epa.gov>; Hayes, Mark <hayes.mark@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>

**Subject:** RE: EPA Title VI Complaint -No. 27R-16-R6

Good afternoon, to our R6 team,

You may have been aware that we had a call today with ECRCO at 1:30 (CT) pm in preparation to discuss the draft with Ark on Thursday of this week.

I received comments from Cheryl Barnett, and Gloria and I were on the call, but we really need to have our WATER team on the call; so, the call was rescheduled for Wednesday afternoon of this week based upon your calendars.

Please confirm receipt of this message and that you will be able to review the draft attached to the invitation and be able to join the call of Wed and Thru of this week. If you have questions, I remain available.

Thanks in advance.  
Marcia

**To:** Khan, Zahra[Khan.Zahra@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Rhines, Dale[rhines.dale@epa.gov]; Dorka, Lilian[Dorka.Lilian@epa.gov]; Frey, Sarah[frej.sarah@epa.gov]; Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Vaughn, Gloria[Vaughn.Gloria@epa.gov]; Blanco, Arturo[Blanco.Arturo@epa.gov]; Burrell, Monica[Burrell.Monica@epa.gov]; Brown, Jamesr[brown.jamesr@epa.gov]; Nelson, Russell[nelson.russell@epa.gov]; Ryland, Renea[Ryland.Renea@epa.gov]; Moncrieffe, Marcia[Moncrieffe.Marcia@epa.gov]  
**Cc:** Hayes, Mark[hayes.mark@epa.gov]  
**From:** Covington, Jeryl[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=5744FF31964349539994E9EB4C3F90FC-COVINGTON,]  
**Sent:** Wed 12/9/2020 10:41:15 PM (UTC)  
**Subject:** RE: EPA Complaint No. 27R-16-R6: Update on Conversation with ADEQ  
2020.12.20 Revised DRAFT IRA Complaint No 27R-16-R6.docx

Revised IRA

-----Original Appointment-----

**From:** Covington, Jeryl  
**Sent:** Wednesday, December 09, 2020 5:39 PM  
**To:** Khan, Zahra; Johnson, Johahna; Rhines, Dale; Dorka, Lilian; Frey, Sarah; Barnett, Cheryl; Vaughn, Gloria; Blanco, Arturo; Burrell, Monica; Brown, Jamesr; Nelson, Russell; Ryland, Renea; Moncrieffe, Marcia  
**Cc:** Hayes, Mark  
**Subject:** EPA Complaint No. 27R-16-R6: Update on Conversation with ADEQ  
**When:** Wednesday, December 09, 2020 4:00 PM-5:30 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** Microsoft Teams Meeting

---

## Microsoft Teams meeting

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---

**To:** Covington, Jeryl[Covington.Jeryl@epa.gov]; Khan, Zahra[Khan.Zahra@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Rhines, Dale[rhines.dale@epa.gov]; Frey, Sarah[frej.sarah@epa.gov]; Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Vaughn, Gloria[Vaughn.Gloria@epa.gov]; Blanco, Arturo[Blanco.Arturo@epa.gov]; Burrell, Monica[Burrell.Monica@epa.gov]; Brown, Jamesr[brown.jamesr@epa.gov]; Nelson, Russell[nelson.russell@epa.gov]; Ryland, Renea[Ryland.Renea@epa.gov]; Moncrieffe, Marcia[Moncrieffe.Marcia@epa.gov]  
**Cc:** Hayes, Mark[hayes.mark@epa.gov]  
**From:** Dorka, Lilian[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AF796221E00A4A338CEA3C72ADBD0D57-DORKA, LILL]  
**Sent:** Thur 12/10/2020 2:32:22 PM (UTC)  
**Subject:** RE: EPA Complaint No. 27R-16-R6: Update on Conversation with ADEQ  
[2020.12.20 Revised DRAFT IRA Complaint No 27R-16-R6 w EPA COMMENTS 12-10-2020.docx](#)

Hello Everyone,

Here is the latest version with my addition of our standard language (this is what is in the TCEQ agrmt) for Section I C. Jeryl, can we please use this version for our call today? Any concerns? Thanks!!

Lilian Sotolongo Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-9649 - Office  
202-695-9888 - Cell

---

**From:** Covington, Jeryl <Covington.Jeryl@epa.gov>  
**Sent:** Wednesday, December 9, 2020 5:41 PM  
**To:** Khan, Zahra <Khan.Zahra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Dorka, Lilian <Dorka.Lilian@epa.gov>; Frey, Sarah <frej.sarah@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Vaughn, Gloria <Vaughn.Gloria@epa.gov>; Blanco, Arturo <Blanco.Arturo@epa.gov>; Burrell, Monica <Burrell.Monica@epa.gov>; Brown, Jamesr <brown.jamesr@epa.gov>; Nelson, Russell <nelson.russell@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>  
**Cc:** Hayes, Mark <hayes.mark@epa.gov>  
**Subject:** RE: EPA Complaint No. 27R-16-R6: Update on Conversation with ADEQ

Revised IRA

-----Original Appointment-----  
**From:** Covington, Jeryl  
**Sent:** Wednesday, December 09, 2020 5:39 PM  
**To:** Khan, Zahra; Johnson, Johahna; Rhines, Dale; Dorka, Lilian; Frey, Sarah; Barnett, Cheryl; Vaughn, Gloria; Blanco, Arturo; Burrell, Monica; Brown, Jamesr; Nelson, Russell; Ryland, Renea; Moncrieffe, Marcia  
**Cc:** Hayes, Mark  
**Subject:** EPA Complaint No. 27R-16-R6: Update on Conversation with ADEQ  
**When:** Wednesday, December 09, 2020 4:00 PM-5:30 PM (UTC-05:00) Eastern Time (US & Canada).  
**Where:** Microsoft Teams Meeting

---

## Microsoft Teams meeting

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---

**To:** mcalister[mcalister@adeq.state.ar.us]; Hicks, Basil[hicks@adeq.state.ar.us]  
**Cc:** Hayes, Mark[hayes.mark@epa.gov]; Moncrieffe, Marcia[Moncrieffe.Marcia@epa.gov]; Ryland, Renea[Ryland.Renea@epa.gov]; Covington, Jeryl[Covington.Jeryl@epa.gov]; Khan, Zahra[Khan.Zahra@epa.gov]; Johnson, Johahna[Johnson.Johahna@epa.gov]; Rhines, Dale[rhines.dale@epa.gov]; Frey, Sarah[frej.sarah@epa.gov]; Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Vaughn, Gloria[Vaughn.Gloria@epa.gov]; Burrell, Monica[Burrell.Monica@epa.gov]; Brown, Jamesr[brown.jamesr@epa.gov]; Nelson, Russell[nelson.russell@epa.gov]  
**From:** Dorka, Lilian[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=AF796221E00A4A338CEA3C72ADBD0D57-DORKA, LILL]  
**Sent:** Fri 12/11/2020 7:17:49 PM (UTC)  
**Subject:** RE: EPA Complaint No. 27R-16-R6: Update on Conversation with ADEQ  
Revised DRAFT IRA Complaint No 27R-16-R6 w EPA COMMENTS PER CALL ON 12-10-2020 jj.docx

Hello Michael and Basil,

Thanks again for all your work on this and for the call on Thursday! As promised, attached is the draft agreement with EPA's proposed changes per our conversation.

Note that, for ease of reading, any of the comments that have been resolved per our convo on Thursday I went ahead and removed, or marked "resolved". So the only comments left "live" are those that need your attention and review, along with any of our redlined edits. Please let me know if you have any questions or concerns and we look forward to hearing back from you. Hope you have a great weekend!

Lilian

Lilian Sotolongo Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-9649 - Office  
202-695-9888 - Cell

**To:** Barnett, Cheryl[Barnett.Cheryl@epa.gov]  
**From:** Moncrieffe, Marcia[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEE0FF61229A4D2C9B85D3D2EC0CD52F-MONCRIEFFE, MARCIA]  
**Sent:** Thur 12/17/2020 12:03:57 AM (UTC)  
**Subject:** FW: EPA Complaint No. 27R-16-R6: Update on Conversation with ADEQ  
Revised DRAFT IRA Complaint No 27R-16-R6 w EPA COMMENTS PER CALL ON 12-10-2020 jj\_mm.docx

FYI-

---

**From:** Moncrieffe, Marcia  
**Sent:** Wednesday, December 16, 2020 6:01 PM  
**To:** Gray, David <gray.david@epa.gov>  
**Cc:** McGuire, James <McGuire.James@epa.gov>; Welton, Patricia <Welton.Patricia@epa.gov>; Smith, Suzanne <Smith.Suzanne@epa.gov>; Murdock, Russell <Murdock.Russell@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; Hayes, Mark <hayes.mark@epa.gov>; Nelson, Russell <nelson.russell@epa.gov>; Burrell, Monica <Burrell.Monica@epa.gov>; Acosta, Gerardo <acosta.gerardo@epa.gov>; Vaughn, Gloria <Vaughn.Gloria@epa.gov>  
**Subject:** FW: EPA Complaint No. 27R-16-R6: Update on Conversation with ADEQ  
**Importance:** High

Good evening, David,

A positive end to our today and the referenced case.

Please see the email below. We have a settlement in principle. I will continue to keep you posted.

Best,  
Marcia

---

**From:** McAlister, Michael <MCALISTER@adeq.state.ar.us>  
**Sent:** Wednesday, December 16, 2020 5:43 PM  
**To:** Dorka, Lilian <Dorka.Lilian@epa.gov>  
**Cc:** Hayes, Mark <hayes.mark@epa.gov>; Moncrieffe, Marcia <Moncrieffe.Marcia@epa.gov>; Ryland, Renea <Ryland.Renea@epa.gov>; Covington, Jeryl <Covington.Jeryl@epa.gov>; Khan, Zahra <Khan.Zahra@epa.gov>; Johnson, Johahna <Johnson.Johahna@epa.gov>; Rhines, Dale <rhines.dale@epa.gov>; Frey, Sarah <frey.sarah@epa.gov>; Barnett, Cheryl <Barnett.Cheryl@epa.gov>; Vaughn, Gloria <Vaughn.Gloria@epa.gov>; Burrell, Monica <Burrell.Monica@epa.gov>; Brown, James <brown.jamesr@epa.gov>; Nelson, Russell <nelson.russell@epa.gov>; Hicks, Basil <hicks@adeq.state.ar.us>; Khoury, Shane <Shane.Khoury@adeq.state.ar.us>; Randolph, Shay <shay.randolph@adeq.state.ar.us>  
**Subject:** RE: EPA Complaint No. 27R-16-R6: Update on Conversation with ADEQ  
**Importance:** High

Lilian,  
We have reviewed your latest edits with management. DEQ is OK with the draft. I made very minor additional edits (attached) *only* to the signature block to reflect the current name of the agency.  
Since you all have been keeper of the document, please prepare a clean, final, signature-ready version and send it to us for final review and execution.  
Thanks again for the efforts by you and your team to reach this settlement. As always, you can call me at 501 246-6141 (work cell) if we need to talk about the mechanics of wrapping this up (or anything else).  
Hope you all remain safe and well, and look forward to hearing from you.

**Michael McAlister** | Deputy Chief Counsel  
**Energy and Environment** | Office of Chief Counsel  
5301 Northshore Drive | North Little Rock, AR 72118  
t: 501.682.0918 | e: [mcalist@adeq.state.ar.us](mailto:mcalist@adeq.state.ar.us)



# ARKANSAS

## ENERGY & ENVIRONMENT

**From:** Dorka, Lilian [<mailto:Dorka.Lilian@epa.gov>]

**Sent:** Friday, December 11, 2020 1:26 PM

**To:** McAlister, Michael; Hicks, Basil

**Cc:** Hayes, Mark; Moncrieffe, Marcia; Ryland, Renea; Covington, Jeryl; Khan, Zahra; Johnson, Johahna; Rhines, Dale; Frey, Sarah; Barnett, Cheryl; Vaughn, Gloria; Burrell, Monica; Brown, Jamesr; Nelson, Russell

**Subject:** RE: EPA Complaint No. 27R-16-R6: Update on Conversation with ADEQ

Thanks Michael!

Lilian Sotolongo Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-9649 - Office  
202-695-9888 - Cell

**From:** McAlister, Michael <[MCALISTER@adeq.state.ar.us](mailto:MCALISTER@adeq.state.ar.us)>

**Sent:** Friday, December 11, 2020 2:21 PM

**To:** Dorka, Lilian <[Dorka.Lilian@epa.gov](mailto:Dorka.Lilian@epa.gov)>; Hicks, Basil <[hicks@adeq.state.ar.us](mailto:hicks@adeq.state.ar.us)>

**Cc:** Hayes, Mark <[hayes.mark@epa.gov](mailto:hayes.mark@epa.gov)>; Moncrieffe, Marcia <[Moncrieffe.Marcia@epa.gov](mailto:Moncrieffe.Marcia@epa.gov)>; Ryland, Renea <[Ryland.Renea@epa.gov](mailto:Ryland.Renea@epa.gov)>; Covington, Jeryl <[Covington.Jeryl@epa.gov](mailto:Covington.Jeryl@epa.gov)>; Khan, Zahra <[Khan.Zahra@epa.gov](mailto:Khan.Zahra@epa.gov)>; Johnson, Johahna <[Johnson.Johahna@epa.gov](mailto:Johnson.Johahna@epa.gov)>; Rhines, Dale <[rhines.dale@epa.gov](mailto:rhines.dale@epa.gov)>; Frey, Sarah <[frey.sarah@epa.gov](mailto:frey.sarah@epa.gov)>; Barnett, Cheryl <[Barnett.Cheryl@epa.gov](mailto:Barnett.Cheryl@epa.gov)>; Vaughn, Gloria <[Vaughn.Gloria@epa.gov](mailto:Vaughn.Gloria@epa.gov)>; Burrell, Monica <[Burrell.Monica@epa.gov](mailto:Burrell.Monica@epa.gov)>; Brown, Jamesr <[brown.jamesr@epa.gov](mailto:brown.jamesr@epa.gov)>; Nelson, Russell <[nelson.russell@epa.gov](mailto:nelson.russell@epa.gov)>

**Subject:** RE: EPA Complaint No. 27R-16-R6: Update on Conversation with ADEQ

**Importance:** High

Thanks, Lilian – we'll review and consult with the decision-makers.  
Hope everyone on your end remains safe and well, and you have a great weekend as well!

**Michael McAlister** | Deputy Chief Counsel  
Energy and Environment | Office of Chief Counsel  
5301 Northshore Drive | North Little Rock, AR 72118  
t: 501.682.0918 | e: [mcalist@adeq.state.ar.us](mailto:mcalist@adeq.state.ar.us)



# ARKANSAS

## ENERGY & ENVIRONMENT

**From:** Dorka, Lilian [<mailto:Dorka.Lilian@epa.gov>]

**Sent:** Friday, December 11, 2020 1:18 PM

ED\_006641\_00000078-00002

**To:** McAlister, Michael; Hicks, Basil

**Cc:** Hayes, Mark; Moncrieffe, Marcia; Ryland, Renea; Covington, Jeryl; Khan, Zahra; Johnson, Johahna; Rhines, Dale; Frey, Sarah; Barnett, Cheryl; Vaughn, Gloria; Burrell, Monica; Brown, Jamesr; Nelson, Russell

**Subject:** RE: EPA Complaint No. 27R-16-R6: Update on Conversation with ADEQ

Hello Michael and Basil,

Thanks again for all your work on this and for the call on Thursday! As promised, attached is the draft agreement with EPA's proposed changes per our conversation.

Note that, for ease of reading, any of the comments that have been resolved per our convo on Thursday I went ahead and removed, or marked "resolved". So the only comments left "live" are those that need your attention and review, along with any of our redlined edits. Please let me know if you have any questions or concerns and we look forward to hearing back from you. Hope you have a great weekend!

Lilian

Lilian Sotolongo Dorka, Director  
External Civil Rights Compliance Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-9649 - Office  
202-695-9888 - Cell

**To:** Gray, David[gray.david@epa.gov]  
**Cc:** Harrison, Ben[Harrison.Ben@epa.gov]; Sykes, Terry[Sykes.Terry@epa.gov]; Seager, Cheryl[Seager.Cheryl@epa.gov]; Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Blanco, Arturo[Blanco.Arturo@epa.gov]; Burrell, Monica[Burrell.Monica@epa.gov]; Dwyer, Stacey[Dwyer.Stacey@epa.gov]; Robinson, Jeffrey[Robinson.Jeffrey@epa.gov]; Ryland, Renea[Ryland.Renea@epa.gov]; Vaughn, Gloria[Vaughn.Gloria@epa.gov]; Welton, Patricia[Welton.Patricia@epa.gov]; Crocker, Philip[crocker.philip@epa.gov]; Mason, Steve[mason.steve@epa.gov]; Osbourne, Margaret[osbourne.margaret@epa.gov]; Smith, Rhonda[smith.rhonda@epa.gov]; Thompson, Steve[thompson.steve@epa.gov]; Tillman, Tressa[tillman.tressa@epa.gov]; Nelson, Russell[nelson.russell@epa.gov]; Tripathi, Arati[Tripathi.Arati@epa.gov]; Murdock, Russell[Murdock.Russell@epa.gov]  
**From:** Moncrieffe, Marcia[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=FEE0FF61229A4D2C9B85D3D2EC0CD52F-MONCRIEFFE, MARCIA]  
**Sent:** Tue 8/7/2018 8:09:30 PM (UTC)  
**Subject:** R6August7ReviewedVerion-Draft Informal Resolution Agreement- Title VI Complaint No.27R-16-R6  
R6August7REviewed VersionDraft Informal Resolution between EPA and ADEQ - Complaint No 27R-16-R6.docx

David,

Please find attached the referenced document, which includes comments from all relevant divisions in R6. Overall, the version from ECRCO tracked well the conference call of July 31, 2018, between ECRCO and R6. I remain available, where I can be of further assistance.

Thanks to everyone for your responsiveness to my emails of this morning.

With kind regards,  
Marcia



**To:** Moncrieffe, Marcia[Moncrieffe.Marcia@epa.gov]; Ryland, Renea[Ryland.Renea@epa.gov]; Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Welton, Patricia[Welton.Patricia@epa.gov]; Smith, Suzanne[Smith.Suzanne@epa.gov]  
**From:** Payne, James[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=61B3204A683041079512B122C580A569-PAYNE, JAME]  
**Sent:** Mon 5/6/2019 3:07:42 PM (UTC)  
**Subject:** EPA ECRCO Complaint No. 27R-16-R6 - ADEQ and GP Crossett  
2019.04.17 DRAFT Informal Resolution Agreement - EPA Complaint No 27R-16-R6.docx  
ATT00001.htm

This aft we might be discussing this draft informal agreement while meeting w ADEQ senior officials this aft. And the draft agreement is the subject of an all-day meeting w ADEQ senior officials tomorrow.

Renea - do NPDES permit regs allow regulator to require an odor mgt plan per III.F, particularly where effluent is alleged source of odor?

Cheryl - could you arrange for a description of III.J requirement to develop "site specific emission factors" related to GP sulfide emissions - its purpose and use?

And pls be available to help w questions here that might come up on short notice today and tomorrow, if reasonably can.

Jim  
214-490-6707 cell

Sent from my iPhone

Begin forwarded message:

**From:** "Payne, James" <payne.james@epa.gov>  
**Date:** April 17, 2019 at 11:23:39 AM CDT  
**To:** "Gray, David" <gray.david@epa.gov>, "Chancellor, Erin" <chancellor.erin@epa.gov>, "Chiang, I-Jung" <chiang.i-jung@epa.gov>  
**Subject:** Fwd: EPA Complaint No. 27R-16-R6

Lillian has sent the draft informal agreement to Arkansas' contact, below.

Sent from my iPhone

Begin forwarded message:

**From:** "Dorka, Lilian" <Dorka.Lilian@epa.gov>  
**Date:** April 17, 2019 at 10:55:59 AM CDT  
**To:** "Katie.Beck@governor.arkansas.gov" <Katie.Beck@governor.arkansas.gov>  
**Cc:** "Payne, James" <payne.james@epa.gov>, "Brazauskas, Joseph" <brazauskas.joseph@epa.gov>, "Rhines, Dale" <rhines.dale@epa.gov>  
**Subject:** FW: EPA Complaint No. 27R-16-R6

Hello Ms. Beck:

We are forwarding this draft informal resolution agreement concerning EPA Title VI Complaint No. 27R-16-R6, and we look forward to discussing it. Thanks very much!

Lilian

Lilian Sotolongo Dorka, Director

ED\_006641\_00000086-00001

External Civil Rights Compliance Office  
Office of General Counsel  
U.S. Environmental Protection Agency  
202-564-9649 - Office  
202-695-9888 - Cell

**To:** Barnett, Cheryl[Barnett.Cheryl@epa.gov]; Moncrieffe, Marcia[Moncrieffe.Marcia@epa.gov]; Tripathi, Arati[Tripathi.Arati@epa.gov]  
**From:** Khan, Zahra[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=8C20DB37EC2C49948C2B6DBA2856EF30-KHAN, ZAHRA]  
**Sent:** Thur 2/6/2020 7:13:44 PM (UTC)  
**Subject:** Copy of Latest Draft ADEQ Agreement  
2019.05.07 DRAFT Informal Resolution Agreement Between EPA and ADEQ - EPA Complaint No 27R-16-R6.docx

Zahra Khan  
Attorney Advisor  
Office of General Counsel – External Civil Rights Compliance Office  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W. | Mailcode 2310A | Washington, DC 20460  
(202) 564-0460 | [khan.zahra@epa.gov](mailto:khan.zahra@epa.gov)

**To:** Moncrieffe, Marcia[Moncrieffe.Marcia@epa.gov]  
**From:** Barnett, Cheryl[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0C938A7279B342768396887312C982D4-BARNETT, CHERYL]  
**Sent:** Fri 2/28/2020 5:41:52 PM (UTC)  
**Subject:** 2020.02.21 Rev. DRAFT Informal Resolution Agreement Complaint No 27R-16-R6 CB.docx  
2020.02.21 Rev. DRAFT Informal Resolution Agreement Complaint No 27R-16-R6 CB.docx

**To:** Frey, Sarah[frey.sarah@epa.gov]  
**Cc:** Moncrieffe, Marcia[Moncrieffe.Marcia@epa.gov]  
**From:** Barnett, Cheryl[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0C938A7279B342768396887312C982D4-BARNETT, CHERYL]  
**Sent:** Mon 8/3/2020 12:03:08 PM (UTC)  
**Subject:** 2020.07.29 REVISED DRAFT Informal Resolution Agreement Complaint No 27R-16-R6.docxR6comments.docx  
2020.07.29 REVISED DRAFT Informal Resolution Agreement Complaint No 27R-16-R6.docxR6comments.docx

Sarah – Please review comment II.C of the attached informal resolution. Specifically, ECRCO is asking if the Region is aware of any continuing activities between DEQ and ADH. I am not aware of any, are you?

Marcia – once Sarah answers this question, the review of the enforcement comments is complete. I have uploaded responses to their comments regarding the CD and complaint.

Cheryl

**To:** Moncrieffe, Marcia[Moncrieffe.Marcia@epa.gov]  
**From:** Barnett, Cheryl[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0C938A7279B342768396887312C982D4-BARNETT, CHERYL]  
**Sent:** Mon 11/23/2020 2:09:25 PM (UTC)  
**Subject:** 2020.08.24 REVISED DRAFT IRA Complaint No 27R-16-R6-DEQ\_edits\_and\_comments-20201119.docx  
2020.08.24 REVISED DRAFT IRA Complaint No 27R-16-R6-DEQ edits and comments-20201119.docx

Good morning, Marcia. I hope you are well. I added a comment in response to the paragraph H proposed edit of changing “emissions” to “discharges.” The subject of the violations at the mill were air emissions, not water discharges, so I would prefer to strike the edit. My apologies for the delay.

Cheryl

**To:** Blesi, Sam (ENRD)[Sam.Blesi@usdoj.gov]  
**From:** Barnett, Cheryl[/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0C938A7279B342768396887312C982D4-BARNETT, CHERYL]  
**Sent:** Thur 11/1/2018 4:09:58 PM (UTC)  
**Subject:** Emailing: Tulane Complaint 4-2016.pdf  
[Tulane Complaint 4-2016.pdf](#)

Your message is ready to be sent with the following file or link attachments:

Tulane Complaint 4-2016.pdf

Note: To protect against computer viruses, e-mail programs may prevent sending or receiving certain types of file attachments. Check your e-mail security settings to determine how attachments are handled.



TULANE ENVIRONMENTAL LAW CLINIC

April 26, 2016

Via Certified U.S. Mail and Email

Gina McCarthy, Administrator  
U.S. Environmental Protection Agency  
Mail Code 1102A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
mccarthy.gina@epa.gov

Via Certified U.S. Mail and Email

Velveta Golightly-Howell, Director  
Office of Civil Rights  
U.S. Environmental Protection Agency  
Mail Code 1210A  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
Title\_VI\_Complaints@epa.gov

RE: Complaint Under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and 40 C.F.R. Part 7 against the Arkansas Department of Environmental Quality for Administratively Continuing NPDES Permit No. AR0001210 to Georgia-Pacific, LLC.

Dear Ms. McCarthy and Ms. Golightly-Howell:

Ouachita Riverkeeper and Louisiana Environmental Action Network (“LEAN”) bring this complaint against the Arkansas Department of Environmental Quality (“ADEQ”) under Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d, and the EPA’s implementing regulations, 40 C.F.R. Part 7.

INTRODUCTION

1. Effective November 1, 2015, ADEQ administratively continued a National Pollutant Discharge Elimination System (“NPDES”) permit that authorizes Georgia-Pacific, LLC to discharge its wastewater to Coffee Creek prior to treatment. The untreated wastewater flows through a majority African-American area in the community of West Crossett, Arkansas. The untreated discharges subject this community to harmful emissions and also eliminate their use of Coffee Creek as a natural resource. ADEQ’s decision to administratively continue its authorization of these discharges has “the effect of subjecting individuals to discrimination because of their race, color, [or] national origin” and “the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to individuals of a particular race,” i.e., African-Americans. *See* 40 C.F.R. § 7.35(b).

2. The permit at issue, NPDES Permit No. AR0001210,<sup>1</sup> allows Georgia-Pacific to

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<sup>1</sup> NPDES Permit No. AR0001210 is available online on the ADEQ Water Division Final Permits Database, [http://www2.adeq.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/IssuedPermits/ar0001210\\_renewal\\_20100930.pdf](http://www2.adeq.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/IssuedPermits/ar0001210_renewal_20100930.pdf)

Tulane Environmental Law Clinic

6329 Freret St., Ste. 130, New Orleans, LA 70118-6231 tel 504.865.5789 fax 504.862.8721 [www.tulane.edu/~telc](http://www.tulane.edu/~telc)

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discharge an average of 45 million gallons a day of untreated wastewater from its three co-located operations, i.e., Pulp and Paper Operations, Chemicals Operations<sup>2</sup> and Plywood/Stud Mill (collectively, “plant” or “facility”) in West Crossett, directly into Coffee Creek. By continuing the permit, ADEQ allows Georgia-Pacific to convert Coffee Creek into a toxic flume to carry its waste miles through a predominantly African-American community. Allowing the use of Coffee Creek to transport and treat Georgia-Pacific’s wastewater interferes with the residents’ quality of life and causes them to worry about health effects. *See*, Emily Crane Linn, *How a Paper Plant in Arkansas is Allegedly Poisoning the People of Crossett*, Newsweek (April 12, 2016).<sup>3</sup> *See also*, *COMPANY TOWN* (Penn Road Productions 2016) a documentary detailing the effects of the Georgia-Pacific facility on the residents of Crossett, Arkansas, <http://www.companytownfilm.com/>

3. For years, Complainants and community members have alerted ADEQ to the adverse effects the discharges of wastewater have on their health and the environment. They have asked ADEQ to provide greater protection. Despite these requests, ADEQ has allowed Georgia-Pacific to continue discharging its wastewater into Coffee Creek without meeting Clean Water Act requirements.

4. Complainants ask the Office of Civil Rights to enforce Title VI of the Civil Rights Act of 1964 and EPA’s implementing regulations. Complainants request that EPA investigate the complaint and, upon finding discrimination, require that ADEQ come into compliance with the law by requiring proper treatment of Georgia-Pacific’s wastewater before discharging into Coffee Creek. Complainants ask the Office of Civil Rights to respond with the full force of law by withdrawing ADEQ’s funding if needed to protect the minority community in Crossett from being forced to live and work near unlawful sources of pollution and allow Coffee Creek to return to its state as a natural waterway that is an asset to the community.

### PARTIES

5. Ouachita Riverkeeper is a non-profit corporation organized under the laws of Louisiana. It is a Waterkeeper Organization and part of the Waterkeeper Alliance, which is a grassroots advocacy organization consisting of nearly 200 Waterkeeper Organizations dedicated to preserving and protecting the world’s waters. Ouachita Riverkeeper is dedicated to protecting, restoring, and advocating for the protection of the Ouachita River watershed. In its work to protect the Ouachita River watershed, Ouachita Riverkeeper helps to ensure compliance with laws and regulations intended to preserve and enhance natural resources and environmental quality in the area.

6. LEAN is a non-profit corporation organized under the laws of the State of Louisiana. LEAN serves as an umbrella organization for environmental and citizen groups. LEAN’s purpose includes preserving and protecting the state’s land, air, water, and other natural resources and protecting its members and other residents of the state from threats caused by

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<sup>2</sup> The Chemical Operations include a formaldehyde plant, resin manufacturing, and tall oil plant.

<sup>3</sup> <http://www.newsweek.com/crossett-arkansas-georgia-pacific-factory-pollution-446954>.

pollution. LEAN has an interest in protecting the Ouachita River, which flows into Louisiana several miles downstream of Crossett, Arkansas.

7. ADEQ is an agency of the State of Arkansas. EPA delegated authority to issue NPDES permits to the State of Arkansas under 33 U.S.C. §1342(b). Approval of Arkansas' NPDES Program, 51 Fed. Reg. 44518 (Dec. 10, 1986).

### JURISDICTION

#### *ADEQ is Subject to Title VI*

8. Title VI of the Civil Rights Act of 1964 prohibits recipients of federal funds from discriminating against individuals on the basis of race, color, or national origin. It provides that “[n]o person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” 42 U.S.C. § 2000d. Acceptance of federal funds, including EPA assistance, therefore creates an obligation on the recipient to comply with Title VI and EPA’s implementing regulations.

9. EPA’s Title VI regulations provide that “[n]o person shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving EPA assistance on the basis of race, color [or] national origin.” 40 C.F.R. § 7.30. The regulations prohibit recipients of federal funds, such as ADEQ, from using “criteria or methods of administering its program or activity which have the effect of subjecting individuals to discrimination because of their race, color, [or] national origin, . . . or have the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to individuals of a particular race, color, [or] national origin.” 40 C.F.R. § 7.35(b).

10. Because ADEQ receives federal financial assistance from EPA, ADEQ must comply with Title VI in implementing all of its programs. *See* 42 U.S.C. § 2000d-4a; *Grimes v. Superior Home Health Care of Middle Tennessee, Inc.*, 929 F. Supp. 1088, 1091-92 (M.D. Tenn. 1996) (“[E]ntire entities receiving federal funds . . . must comply with Title VI, rather than just the particular program or activity that actually receives the funds.”).

11. ADEQ is a recipient of EPA assistance. According to USASpending.gov,<sup>4</sup> as of April 15, 2016, EPA had awarded \$419,521 to ADEQ in federal funds thus far for fiscal year 2016, with \$406,628 of the funds earmarked for “Water Pollution Control State, Interstate, and Tribal Program Support.” *See* <https://www.usaspending.gov/transparency/Pages/RecipientProfile.aspx?DUNSNumber=809594054&FiscalYear=2016>. In fiscal year 2015, EPA awarded ADEQ a total of \$6,713,671 in federal

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<sup>4</sup> USASpending.gov is a searchable website operated by the Office of Management and Budget, which provides the public with information about federal awards, including the name of the entity receiving the award and the amount of the award.

funds:

<https://www.usaspending.gov/transparency/Pages/RecipientProfile.aspx?DUNSNumber=809594054&FiscalYear=2015>; 40 C.F.R. § 7.25 (defining “EPA assistance” to include “any grant or corporative agreement, loan, contract . . . or any other arrangement by which EPA provides or otherwise makes available assistance in the form of funds”).

### TIMELINESS

12. By failing to replace Georgia-Pacific's unlawful permit with a lawful permit by the expiration date of October 31, 2015—despite Georgia-Pacific's timely renewal application—ADEQ administratively continued Georgia-Pacific's unlawful permit effective November 1, 2015. *See* Ark. Admin. Code 014.04.6-201 (“Conditions of a [NPDES] permit issued by [ADEQ] will continue in effect past the expiration date pending issuance of a new permit, if: (1) The permittee has submitted a timely and complete application as described in 40 C.F.R. § 122.21; and (2) The Director, through no fault of the permittee, does not issue a new permit prior to the expiration date of the previous permit”); Ltr from ADEQ to Georgia-Pacific, May 15, 2015 (“The application for renewal of your expiring NPDES permit was received on 5/4/2015, with additional information received 5/13/2015. In accordance with Department policy, your application has been reviewed and determined to be administratively complete.”), Ex. A. ADEQ’s failure to timely replace the permit—knowing that its omission would have the effect of administratively continuing the permit—constitutes discriminatory governmental action. *See, e.g.,* 5 U.S.C. § 551(13) (“‘agency action’ includes the whole or a part of an agency rule, order, license, sanction, relief, or the equivalent or denial thereof, or failure to act....”). *See also* 64 Fed. Reg. 46058, 46080-81 (explaining EPA authority to promulgate a rule authorizing objections to state administrative continuance of expired permits).

13. This complaint is timely as it is filed within 180 days of the discriminatory action, i.e., November 1, 2015—the date that ADEQ failed to issue a replacement permit and thus administratively continued Georgia-Pacific’s unlawful permit.

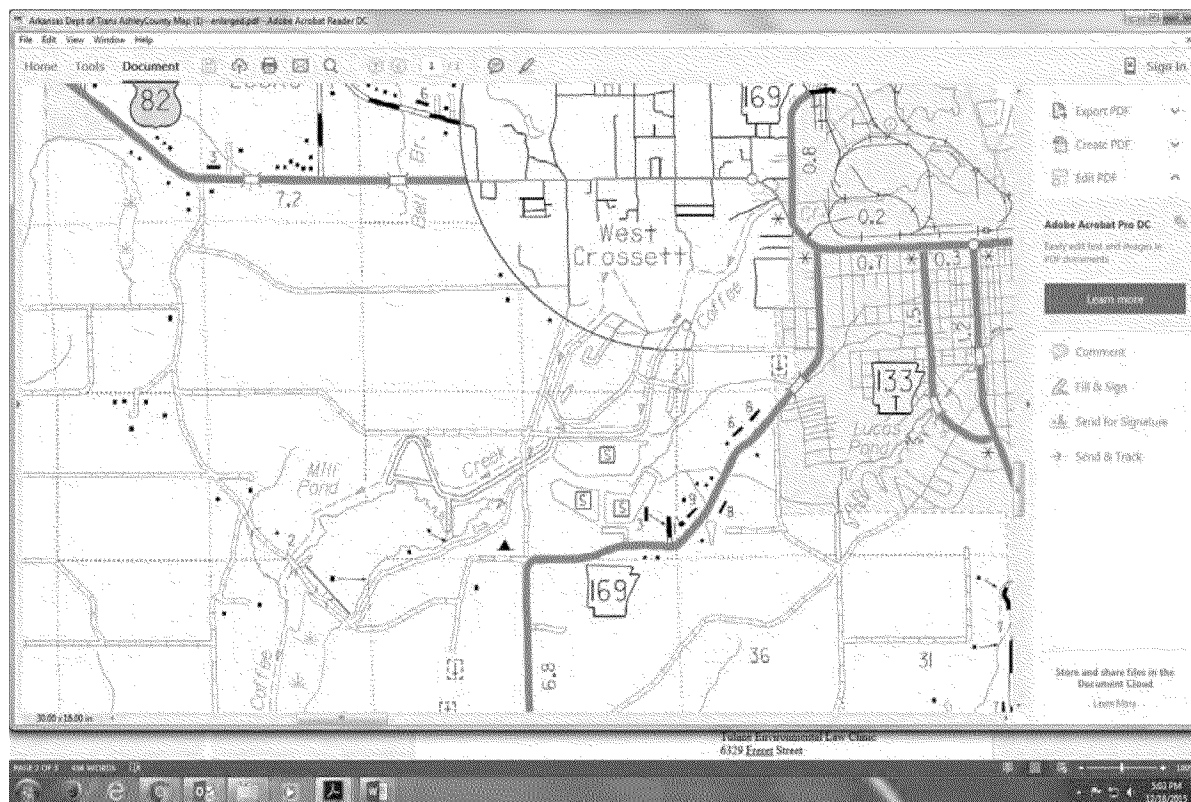
### FACTUAL BACKGROUND

#### *Coffee Creek*

14. Coffee Creek is a natural waterbody and tributary of the Ouachita River. Coffee Creek's headwaters begin near the Georgia-Pacific facility in Crossett, Arkansas. The creek flows south from the Georgia Pacific facility approximately three miles to a dammed portion of the creek called Mill Pond. Coffee Creek then flows from the pond approximately another five miles to Mossy Lake. From Mossy Lake, Coffee Creek flows about a half of a mile to the Ouachita River at a point approximately two miles upstream from the Louisiana border.

15. The entire length of Coffee Creek from its headwaters to the Ouachita River is a navigable water as defined in the Clean Water Act at 33 U.S.C. § 1362(7) and is a water of the United States as defined in 40 C.F.R. § 122.2. The U.S. Geological Service (“USGS”) uses a solid blue line on its topographical maps to designate perennial streams. USGS topography maps

show Coffee Creek by name as a solid blue-line stream originating near the Georgia-Pacific facility and flowing south to Mossy Lake and then to the Ouachita River. *See* <http://viewer.nationalmap.gov/basic/?basemap=b1&category=nbd,ned,nedsrc,histopo,nhd,hro,nai,nbdmi,gnis,nlcd,smallscale,nsd,vectorcmb,ntd,ustopo,woodland&q=&zoom=14&bbox=-92.04749107,33.09211682,-91.96397781,33.14459429&preview=&avail=&refpoly=> In addition, an official Arkansas Department of Transportation map identifies Coffee Creek as a stream that originates near the Georgia-Pacific facility and flows to Mossy Lake. *See* enlarged view screen shot below, which is available at <https://www.arkansashighways.com/maps/Counties/County%20PDFs/AshleyCounty.pdf>.



16. Discharges of pollutants from a point source into any part of Coffee Creek are subject to the Clean Water Act.<sup>5</sup> Despite this, ADEQ allows Georgia-Pacific to use the upper part of Coffee Creek as an extension of its facility and without meeting Clean Water Act requirements. ADEQ allows Georgia-Pacific to discharge, on average, 45 million gallons of day of its wastewater directly into the upper part of the creek, turning it black, frothy, and pungent. These discharges from Georgia-Pacific's facility into Coffee Creek occur approximately three

<sup>5</sup> *See e.g., In the Matter of: Borden, Inc. / Colonial Sugars, Permittee*, 1 E.A.D. 895, 912 (ALJ 1984) (finding wetlands into which a sugar refinery had been discharging for treatment since the late 1800s were not exempt from NPDES requirements as a waste treatment system because "wetlands are not separated from the remainder of the wetlands system by a physical barrier; nor are they impounded or otherwise segregated within a containment system").

miles upstream of Mill Pond.

*Georgia-Pacific's Wastewater Discharges*

17. Georgia-Pacific's NPDES permit covers discharges from its mill plant, plywood plant, studmill, formaldehyde plant, resin manufacturing, and tall oil plant (collectively, "wastewaters."). NPDES Permit No. AR0001210, Final Fact Sheet<sup>6</sup> at 5, [http://www2.adeg.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/IssuedPermits/ar0001210\\_renewal\\_20100930.pdf](http://www2.adeg.state.ar.us/downloads/WebDatabases/PermitsOnline/NPDES/IssuedPermits/ar0001210_renewal_20100930.pdf)

18. Process wastewater from Georgia-Pacific's mill plant (which manufactures fine, paper, paper board, and tissue) is subject to EPA effluent guidelines and requirements for the Bleached Paper Grade Kraft Soda Subcategory under 40 C.F.R. § 430, which include 40 C.F.R. §§ 430.22 and 430.24. *Id.* at 16-20. Process wastewater from Georgia-Pacific's plywood plant is subject to EPA effluent guidelines and requirements for the Plywood Subcategory and Sawmill and Planning Mill Subcategory under 40 C.F.R. § 429, which include 40 C.F.R. §§ 429.41 and 429.43. *Id.* at 21-22. Process wastewater from Georgia-Pacific's studmill operations is subject to EPA effluent guidelines and requirements for the Plywood Subcategory and Sawmill and Planning Mill Subcategory under 40 C.F.R. § 429, which include 40 C.F.R. §§ 429.121 and 429.123. *Id.* at 21-22. Process wastewater from Georgia-Pacific's chemical plant is subject to EPA effluent guidelines and requirements for the Semi-Chemical Subcategory under 40 C.F.R. § 430, which include 40 C.F.R. § 430.60. *Id.* at 22-23. Process wastewater from Georgia-Pacific's resin manufacturing plant is subject to EPA effluent guidelines and requirements for the Thermosetting Resins Subcategory under 40 C.F.R. § 414, which include 40 C.F.R. §§ 414.51 and 414.101. *Id.* at 22-23. Process wastewater from Georgia-Pacific's formaldehyde plant is subject to EPA effluent guidelines and requirements for the Commodity Organic Chemicals Subcategory under 40 C.F.R. § 414.60, which include 40 C.F.R. §§ 414.61 and 414.63. *Id.* at 22-23. Process wastewater from Georgia-Pacific's tall oil plant is subject to EPA effluent guidelines and requirements for the Tall Oil, Rosin, Pitch and Fatty Acids Subcategory under 40 C.F.R. § 454, which include 40 C.F.R. §§ 454.42. *Id.* at 22-23.

19. Georgia-Pacific treats its wastewaters in settling ponds located in Coffee Creek above Mill Pond. *See id.* at 5-6.

20. Aerators installed in the Mill Pond (which Georgia-Pacific refers to as the "aerated lagoon" or "aeration basis") also treat Georgia-Pacific's wastewaters. The permit states that Georgia-Pacific adds a nutrient solution to Coffee Creek just above Mill Pond to aid in biological activity. *Id.* at 5-6., 15, Ex. B.

21. Georgia-Pacific's permitted "external outfall" is located in Coffee Creek immediately downstream of Mill Pond, which is more than three miles from the points where

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<sup>6</sup> The Final Fact Sheet is attached to the NPDES permit, which the ADEQ Water Division has made available on its Final Permits Database and is accessible by using the link pasted above.

Georgia-Pacific discharges its wastewaters to Coffee Creek. *Id.* at 6, Ex. B.<sup>7</sup>

*Georgia-Pacific's Permit is Unlawful*

22. The permit fails to include effluent limitations required to meet the applicable technology-based effluent guidelines and water quality standards at the points where Georgia-Pacific discharges its wastewaters to Coffee Creek.

23. The permit allows Georgia-Pacific to dilute its wastewaters with waters from Coffee Creek as a form of waste treatment and fails to apply effluent limitations and other requirements of the Clean Water Act until at least three miles downstream of Georgia-Pacific's wastewater discharges to Coffee Creek.

24. The permit fails to require monitoring and reporting of effluent limitations on wastewater at the point of discharges to Coffee Creek and fails to provide for monitoring of pH for compliance with Ark. Code R. 014.04.2-504 at the points at which Georgia-Pacific discharges wastewaters to Coffee Creek. The permit fails to require "whole effluent toxicity" testing to meet the narrative criteria applicable to all state waterbodies under Ark. Code R. 014.04.2-508 at the points at which Georgia-Pacific discharges wastewaters to Coffee Creek.

25. The permit allows Georgia-Pacific to satisfy technology treatment requirements a) through use of "non-treatment" techniques such as flow augmentation [e.g., dilution] and in-stream mechanical aerators without requiring Georgia-Pacific to meet the requirements of 40 C.F.R. § 125.3, and b) through use of "non-treatment techniques" of in-stream clarifiers and in-stream settling basins.

26. The permit fails to impose effluent limitations necessary to meet Arkansas's water quality standards for zinc, mercury, dieldrin, and copper at the points at which Georgia-Pacific discharges wastewaters to Coffee Creek and fails to impose effluent limitations necessary to meet Louisiana's water quality standards for zinc, mercury, dieldrin, and copper at the points at which Georgia-Pacific discharges wastewaters to Coffee Creek.

ADVERSE IMPACTS

27. The permit allows Georgia-Pacific to use Coffee Creek as an open sewer to convey and treat 45 million gallons of wastewater on average per day through West Crossett neighborhoods.

28. Coffee Creek is almost black in color from Georgia-Pacific's wastewater and

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<sup>7</sup> In addition, Georgia-Pacific's wastewater discharges have the reasonable potential to exceed Arkansas and Louisiana's water quality standards for zinc, mercury, and dieldrin. *See Id.* at 27-33. The portion of the Ouachita River that receives effluent from the Georgia-Pacific facility is impaired for copper and is on the Clean Water Act section 303(d) list. *Id.* at 31.

flows within one hundred feet of some West Crossett residences. Strong odors emanate from Coffee Creek. Residents of West Crossett are unable to enjoy their homes and neighborhoods because of the strong odors that emanate from Coffee Creek.

29. By allowing Georgia-Pacific to use Coffee Creek to transport and treat its wastewater, ADEQ has taken this natural resource away from the public, especially the residents of West Crossett. Because Coffee Creek carries toxic wastewater, the public can no longer use the creek for recreation, fishing, or visual enjoyment.

30. Hydrogen Sulfide is one of the pollutants that emanates from Coffee Creek. Hydrogen sulfide (H<sub>2</sub>S) is a flammable, colorless gas that smells like rotten eggs. People usually can smell hydrogen sulfide at low concentrations in the air, ranging from 0.0005 to 0.3 parts per million (ppm) (0.0005–0.3 parts of hydrogen sulfide in 1 million parts of air). At high concentrations, a person might lose his or her ability to smell it. *See Public Health Statement: Hydrogen Sulfide*, Agency for Toxic Substances and Disease Registry (ATSDR), Dep't of Health and Human Servs., (Oct. 2014), <http://www.atsdr.cdc.gov/ToxProfiles/tp114-c1-b.pdf>. Hydrogen sulfide enters the body primarily through the air when inhaled. It is absorbed into the blood stream and distributed throughout the body. *Id.*

31. Exposure to low concentrations of hydrogen sulfide may cause irritation to the eyes, nose, or throat. It may also cause difficulty in breathing for some asthmatics. Respiratory distress or arrest has been found in people exposed to very high concentrations of hydrogen sulfide. Exposure to low concentrations of hydrogen sulfide may cause headaches, poor memory, fatigue, and balance problems. Brief exposures to high concentrations of hydrogen sulfide (greater than 500 ppm) can cause a loss of consciousness. In most cases, the person appears to regain consciousness without any other effects. However, in some individuals, there may be permanent or long-term effects such as headaches, poor attention span, poor memory, and poor motor function. No health effects have been found in humans exposed to typical environmental concentrations of hydrogen sulfide (0.00011–0.00033 ppm). *Id.*

32. People acutely exposed to hydrogen sulfide at about 100 ppm commonly experience coughing, eye irritation, loss of smell, altered breathing, drowsiness, throat irritation and those exposure for longer to higher concentrations experience marked conjunctivitis, respiratory tract irritation, pulmonary edema, staggering, collapse, rapid unconsciousness, or death. *See Hydrogen Sulfide*, Occupational Health & Safety Administration, <https://www.osha.gov/SLTC/hydrogensulfide/hazards.html> (last visited April 20, 2016).

33. ATSDR recognizes that “A variety of respiratory effects (including symptoms of respiratory irritation, altered lung function, and respiratory distress) have been observed in workers accidentally exposed to high concentrations of hydrogen sulfide, experimental subjects acutely exposed to low levels of hydrogen sulfide, chronically exposed workers, *and residents living near pulp mill production facilities.*” *See ATSDR, Draft Toxicological for Hydrogen Sulfide and Carbonyl Sulfide (Draft for Public Comment) 34* (Oct. 2014) (emphasis added), <http://www.atsdr.cdc.gov/toxprofiles/tp114.pdf>.

34. ATSDR established an acute duration (1 to 14-day) Minimal Risk Level screening guideline of 70 parts per billion (ppb) for hydrogen sulfide in air. *Id.* at 22-24, 48. The intermediate duration Minimum Risk Level is lower at 20 ppb. *Id.* at 24-27.

35. Georgia-Pacific's Crossett Pulp and Paper Operations ranks as the fourth largest releaser of hydrogen sulfide in the United States among all pulp and paper mills and is the sixth largest releaser of hydrogen sulfide in the United States of all industrial facilities. EPA Region 6, Emergency Planning and Community Right to Know Act (EPCRA) Section 313 Inspection Report 23 (June 23, 2014) (rev. July 23, 2014), Ex. B. Sources of the releases include discharges to streams, i.e., Coffee Creek. *See id.* at 24-32. *Id.* at 31 ("The great majority of the fugitive air releases of hydrogen sulfide are coincidentally manufactured in the aeration and stabilization basins of the wastewater treatment plant. The hydrogen sulfide coincidentally manufactured is released to the atmosphere.").

36. EPA Region 6, ATSDR, ADEQ, the Arkansas Department of Health, and Georgia-Pacific developed an ambient air monitoring program for hydrogen sulfide emissions in Crossett. The monitor is located in the West Crossett community. *See* TRC, Georgia Pacific Crossett Operations Hydrogen Sulfide and Meteorological Monitoring Program 6-Month Report for October 1, 2014 through March 31, 2015, 3 (June 9, 2015), [https://www.adeq.state.ar.us/air/compliance/pdfs/gp-crossett\\_hydrogen\\_sulfide\\_and\\_meteorological\\_monitoring\\_6mth\\_rpt.pdf](https://www.adeq.state.ar.us/air/compliance/pdfs/gp-crossett_hydrogen_sulfide_and_meteorological_monitoring_6mth_rpt.pdf).

37. Hydrogen sulfide monitoring results have exceeded the Minimal Risk Level 70 ppb threshold on 11 days since March 2015, with 30 minute rolling average results as high as 200 ppb. *See Hydrogen Sulfide Testing at Georgia-Pacific in Crossett*, ADEQ, [https://www.adeq.state.ar.us/air/compliance/georgia\\_pacific.aspx](https://www.adeq.state.ar.us/air/compliance/georgia_pacific.aspx) (last visited April 18, 2016).

38. The Arkansas Department of Health issues reports when the ambient monitor shows levels of hydrogen sulfide that exceed the Minimal Risk Level screening guideline of 70 ppb. The reports show that the high levels of hydrogen sulfide emissions are often associated with Georgia-Pacific's wastewater in Coffee Creek. For example, ADH reported the following:

"During the period when a portion of the equipment was not operating, process wastewater with elevated sulfides entered the mill's wastewater treatment system. These sulfide containing wastewaters likely contributed to elevated air emissions from the wastewater treatment system." Arkansas Department of Health, Review of Hydrogen Sulfide Air Monitoring Data in Crossett, AR: Special Data Review Announcement: April 3 - 4, 2016, <https://www.adeq.state.ar.us/air/compliance/pdfs/adh-special-review-for-gp-h2s-mont-apr-03-04-2016.pdf>.

"According to Georgia-Pacific personnel, the pulp mill and bleach plant were stopped during a controlled shut-down on Friday, February 26, 2016, due to an unplanned event. This caused additional sulfide-containing process streams to be sent to the effluent treatment system." Arkansas Department of Health, Review of Hydrogen Sulfide Air Monitoring Data in Crossett, AR Special Data Review Announcement: February 26 – 27,



2016 and February 29, 2016, <https://www.adeq.state.ar.us/air/compliance/pdfs/adh-special-review-for-gp-h2s-mont-feb-26-to-27-and-feb-29-2016.pdf>.

“According to Georgia-Pacific personnel, the cause for the increase in the hydrogen sulfide readings is thought to be from an imbalance of pH in one of the lines used for pulp. The plant experienced lower than normal pH levels in the wastewater treatment system due to the mill running at approximately half of the normal pulping rates. The lower pH levels released hydrogen sulfide into the air. Until pulping rates returned to normal and the pH was back in range, the plant adjusted the pH to normal levels by adding a small amount of 22% sodium hydroxide to the sewer.” Arkansas Department of Health, Review of Hydrogen Sulfide Air Monitoring Data in Crossett, AR Special Data Review Announcement: November 23, 2015, [https://www.adeq.state.ar.us/air/compliance/pdfs/adh\\_special\\_review\\_announcement\\_for\\_gp\\_h2s\\_mont\\_11-23-15.pdf](https://www.adeq.state.ar.us/air/compliance/pdfs/adh_special_review_announcement_for_gp_h2s_mont_11-23-15.pdf).

“According to Georgia-Pacific personnel, the cause for the increase in the hydrogen sulfide readings is thought to be biological activity in the East Ash Settling Basin at the Georgia-Pacific Waste Water Treatment Facility.” Arkansas Department of Health, Review of Hydrogen Sulfide Air Monitoring Data in Crossett, AR Special Data Review Announcement: August 10, 2015, [https://www.adeq.state.ar.us/air/compliance/pdfs/adh\\_special\\_review\\_announcement\\_for\\_crossett\\_h2s\\_air\\_mont\\_8-10-15.pdf](https://www.adeq.state.ar.us/air/compliance/pdfs/adh_special_review_announcement_for_crossett_h2s_air_mont_8-10-15.pdf).

39. Hydrogen sulfide odors interfere with the quality of life of the residents of West Crossett.

40. The use of Coffee Creek to transport and treat Georgia-Pacific’s wastewater negatively impacts the value of property in West Crossett.

#### DISPROPORTIONATE IMPACT

41. Georgia-Pacific’s discharges of wastewater into Coffee Creek disproportionately affect African Americans.

42. EPA’s Enforcement and Compliance History Online (ECHO) database provides demographic information for the area surrounding the Georgia-Pacific facility. EPA bases its statistics on the 2010 Census and American Community Survey data. According to ECHO, 1,897 people live within one mile of the Georgia-Pacific facility, 63.68% of whom are African-American and 32.52% are White. Thus, the residents who live on the streets closest to Coffee Creek where Georgia-Pacific discharges its wastewater are predominantly African-American. EPA, *Detailed Facility Report*, ECHO (Sept. 2, 2014), <https://echo.epa.gov/detailed-facility-report?redirect=page&fid=110000450921>

43. EPA has analyzed an area that begins where Georgia-Pacific discharges into Coffee Creek and includes neighborhoods to the west. It determined that the area is in the 95th

percentile in Arkansas for proximity to major dischargers—meaning only 5 percent of the people in Arkansas live in closer proximity to major dischargers. *See* EPA, *EJ Screen Report: Georgia Pacific Crossett Paper Operations* at 1, Ex. C. EPA's reports also shows that the community is in 98th percentile in the state on the National-Scale Air Toxic Assessment ("NATA") Neurological Hazard Index. *Id.* at 3.

### CONCLUSION

ADEQ's November 1, 2015, action to administratively continue Georgia-Pacific's permit by failing to replace it with a lawful permit has "the effect of subjecting individuals to discrimination because of their race, color, [or] national origin" and "the effect of defeating or substantially impairing accomplishment of the objectives of the program or activity with respect to individuals of a particular race," i.e., African-Americans. *See* 40 C.F.R. § 7.35(b). Accordingly, EPA should: 1) investigate this complaint, 2) require prompt reformation of the permit and mitigation of harmful effects within the community, or 3) cut off federal funding to Arkansas's environmental programs.

Respectfully submitted by:



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ARKANSAS  
Department of Environmental Quality

**MAY 15 2015**

**CERTIFIED MAIL: RETURN RECEIPT REQUESTED 91 7199 9991 7030 4937 7934**

Gary Kaiser, VP-MFG  
Georgia-Pacific LLC Crossett Paper Operations  
100 Mill Supply Road  
Crossett, AR 71635

Re: NPDES Permit Number AR0001210 – AFIN 02-00013

Dear Mr. Kaiser:

The application for renewal of your expiring NPDES permit was received on 5/4/2015, with additional information received 5/13/2015. In accordance with Department policy, your application has been reviewed and determined to be administratively complete.

All permits are issued in accordance with federal and state priorities for water pollution abatement. Therefore, it is possible that the processing of this application for permit renewal may take some time depending on the relative priority of the discharge in comparison with others. However, every effort will be made to expedite the processing of your permit.

Pursuant to Act 163 of 1993 and Arkansas Pollution Control and Ecology Commission (APCEC) Regulation No. 8, Section 8.205, public notice must be given for all permit applications submitted to this Department. The enclosed public notice will be published by ADEQ in a newspaper of general circulation for one (1) day only. An invoice for the cost of publishing the public notice and proof of publication will be sent to you by the advertising newspaper. The permittee must send proof of publication and payment to the address at the bottom of this letter as soon as possible but no later than 30 days from the above date. Until this Department receives proof of publication of the public notice, no further action will be taken on the renewal of your discharge permit.

The submitted Business Information is marked confidential. Since there are specific legal procedures for submitting confidential material which were not followed, these documents must be returned.

Thank you for your cooperation in this matter. If there are any questions concerning this submittal, please contact Loretta Reiber, P.E. of my staff at (501) 682-0612 or by email at [reiber@adeq.state.ar.us](mailto:reiber@adeq.state.ar.us).

Sincerely,

John Bailey, P.E.  
Permits Branch Manager  
Water Division

Notice of Application  
For NPDES Permit AR0001210

Under the provisions of Act 163 of the 1993 Arkansas Legislature, this is to give notice the Water Division of the Arkansas Department of Environmental Quality (ADEQ) has received a renewal application on 5/4/2015, with additional information received 5/13/2015, for an NPDES Permit No. AR0001210 from the following facility:

Georgia-Pacific LLC Crossett Paper Operations  
100 Mill Supply Road  
Crossett, AR 71635

The facility under consideration is located as follows: 100 Mill Supply Road, Crossett, in Ashley County, Arkansas. Interested persons desiring to request a public hearing on the application may do so in writing. All requests should be received by ADEQ within 10 business days of the date of this notice and should be submitted to:

Loretta Reiber, P.E.  
Arkansas Department of Environmental Quality  
NPDES Branch, Water Division  
5301 Northshore Drive  
North Little Rock, AR 72118-5317  
Telephone: (501) 682-0623

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY (US EPA)  
REGION 6, 1445 ROSS AVENUE, DALLAS, TX 75202**

**EMERGENCY PLANNING AND COMMUNITY RIGHT TO KNOW ACT  
(EPCRA)  
SECTION 313 INSPECTION REPORT**

Report date: June 23, 2014

Revised: July 23, 2014

**I. ESTABLISHMENT COVERED BY THIS INSPECTION REPORT**

This inspection reports covers only the Georgia-Pacific Crossett Pulp and Paper Operations which reported as a separate establishment. The other two Georgia-Pacific establishments (the Chemical Operations and the Plywood/Stud Mill) will be covered in separate inspection reports.

**II. FACILITY (ESTABLISHMENT) INSPECTED**

Inspection date: March 19, 2014

Name & address:

Georgia-Pacific Crossett Paper Operations  
100 Mill Supply Road  
Crossett, AR 71635  
870-567-8000

Mailing address:

Georgia-Pacific Crossett Paper Operations  
PO Box 3333  
Crossett, AR 71635

Parent:

Koch Industries, Inc.  
DUNS: 006944334

**III. GEORGIA-PACIFIC CROSSETT, ARKANSAS COMPLEX**

The Georgia-Pacific Crossett, Arkansas Complex has consisted of the three establishments shown below over the period of the inspections

Pulp and Paper Operations establishment (2008 to 2012, five years) (this report)

**PULP AND PAPER OPERATIONS**

NAICS code	Primary	Description
322110	Yes	Pulp mills
322121	No	Paper (except newsprint) mills
322130	No	Paperboard mills

Chemicals Operations establishment (2008 to 2012, five years)

**CHEMICALS OPERATIONS**

NAICS code	Primary	Description
325211	Yes	Plastics material and resin manufacturing
325199	No	All other basic organic chemical manufacturing
325191	No	Gum and wood chemical manufacturing

Plywood/Stud Mill establishment (2008 to 2011, four years) (operations at this establishment were idled in October 2011) (Attachment 1)

**PLYWOOD/STUD MILL**

NAICS code	Primary	Description
321212	Yes	Softwood veneer and plywood manufacturing
321113	No	Sawmills

The reporting by year for each establishment is shown in the table below:

**REPORTING YEARS FOR EACH ESTABLISHMENT**

Establishment	2012	2011	2010	2009	2008
Pulp and Paper Operations	Reported	Reported	Reported	Reported	Reported
Chemicals Operations	Reported	Reported	Reported	Reported	Reported
Plywood/Stud Mill	<b>Note 1</b>	Reported	Reported	Reported	Reported

**Note 1:** The Plywood/Stud Mill idled operations in October 2011 (Attachment 1).

#### **IV. SEND REPLY TO**

The reply to the inspection report should be sent to:

James W. Cutbirth  
Environmental Affairs Manager  
Georgia-Pacific Crossett Paper Operations  
PO Box 3333  
Crossett, AR 71635  
870-567-8144  
Email: [james.cutbirth@gapac.com](mailto:james.cutbirth@gapac.com)

The senior manager at the facility is:

Gary W. Kaiser  
Vice President, Manufacturing  
Plant Manager  
Georgia-Pacific Crossett Paper Operations  
PO Box 3333  
Crossett, AR 71635

#### **V. INTRODUCTION**

EPCRA (Emergency Planning and Community Right to Know Act) § 313 is also referred to as the TRI (Toxic Release Inventory). TRI is the actual name of the database which houses the information collected pursuant to EPCRA § 313.

This report documents the March 19, 2014, EPCRA § 313 inspection of only the Georgia-Pacific Crossett Pulp and Paper Operations located in Crossett, Arkansas. The inspection was to determine compliance with EPCRA § 313 reporting requirements. The inspection covered the reporting years 2008 to 2012.

The Arkansas Department of Emergency Management was notified prior to the inspection as a courtesy (Attachment 2). No state has primary enforcement under EPCRA § 313.

The following information applies to the Pulp and Paper Operations establishment:



TRI identification number: 71635GRGPCPAPER  
NAICS code: 322110, pulp mills (primary)  
322121, paper (except newsprint) mills  
322130 paperboard mills  
DUNS numbers: 009020777, 132076480 (shown on the 2012 Form R,  
Attachment 17)  
Lat: 33.141395 (FRS, no collection method shown) (Attachment 3)  
Lon: -91.97395 (FRS, no collection method shown) (Attachment 3)  
Web site: [www.gp.com](http://www.gp.com)  
Facility/parent state of incorporation: Delaware (Attachment 4)

## **VI. BUSINESS RELATED INFORMATION**

The Crossett paper mill makes a variety of tissue, towel, paper and paperboard products (Attachment 5). Among the brands manufactured are Quilted Northern bath tissue, Angel Soft bath tissue and Sparkle paper towels.

The facility operates its own pulping process prior to the paper and paperboard making operations.

Information from the establishment's web site is shown in Attachments 5 and 6.

Information from the 2010 Arkansas Manufacturers Register is shown in Attachment 7.

Georgia-Pacific owns approximately 10,000 acres on which the Pulp and Paper Operations, the Chemical Operations, the Plywood/Stud Mill and the wastewater treatment plant are located.

## **VII. ENVIRONMENTAL JUSTICE**

The Georgia-Pacific Pulp and Paper Operations meets the criteria for being a "Potential Environmental Justice Area of Concern". Details are shown in Attachment 8.

## VIII. PRE AND POST INSPECTION CONTACTS

Date	Type of contact	Person	Comments
2-28-2014	Phone to	James Cutbirth & Richard Freeman	Discussed upcoming inspection
2-28-2014	Email & USPS	James Cutbirth	Notification of the upcoming inspection (Attachment 9)
3-14-2014	Email to	Richard Freeman	Requested directions
3-19-2014	Phone to	James Cutbirth	Asked for a copy of Ms. Sarah Ross' list of questions and information requested. Cutbirth stated that the process flow diagram was not Confidential Business Information (CBI)
3-20-2014	In person	James Cutbirth	Delivered additional information
3-21-2014	In person	James Cutbirth	Delivered additional information
3-27-2014	Email to	James Cutbirth	Questions on hydrogen sulfide (Attachment 10).
3-28-2014	Email to	James Cutbirth	Questions on miscellaneous chemicals (Attachment 11).
3-28-2014	Email to	James Cutbirth	Questions on C -12 flow chart (Attachment 12).
3-31-2014	Email from	James Cutbirth	Answers on hydrogen sulfide questions (Attachment 10).
3-31-2014	Email to	James Cutbirth	Questions on C-2 flow chart (Attachment 10).
3-31-2014	Email from	James Cutbirth	Answer to questions on C-2 flow chart (Attachment 10).
4-1-2014	Phone to	James Cutbirth	Questions about where H2S is manufactured.
4-1-2014	Email to	James Cutbirth	Question on non-condensable gases (Attachment 13).
4-1-2014	Email from	James Cutbirth	Request for copy of inspection report and answers to questions (Attachment 14)
4-2-2014	Email to	James Cutbirth	Questions on line 1 washer and decker (Attachment 15)

**PRE AND POST INSPECTION CONTACTS CONTINUED**

Date	Type of contact	Person	Comments
4-3-2014	Letter to	James Cutbirth	Request for MSDS's (Attachment 18).
4-3-2014	Email from	James Cutbirth	Answers on line 1 washer and decker (Attachment 15).
4-7-2014	Email to	James Cutbirth	Questions on 2012 lead and lead compounds (CBI Folder 2, tab 13).
4-7-2014	Email & 8 at. from	James Cutbirth	Answers to questions posed during the inspection (CBI Folder 2, tabs 4, 5, 6, 7, and 8 and Attachment 41).
4-7-2014	Email to	James Cutbirth	Questioned if the information sent earlier in the day CBI (Attachment 20).
4-7-2014	Email to	James Cutbirth	Questions 2012 chlorine dioxide usage (CBI Folder 2, tab 12).
4-7-2014	Email to	James Cutbirth	Inspector's error on question about 2011 Form R for barium compounds (Attachment 21)
4-7-2014	Email from	James Cutbirth	Reply on barium compounds (Attachment 21).
4-8-2014	Email to	James Cutbirth	Requested information for Dr. Wakeland on NAICS codes (Attachment 19)
4-8-2014	Email to	Wakeland to James Cutbirth	Questions on the basis of estimate for releases (Attachment 22).
4-8-2014	Email from	James Cutbirth to Wakeland	Reply to basis of estimate questions (Attachment 22).
4-9-2014	Email to	Wakeland to James Cutbirth	Additional comments on the basis of estimate (Attachment 22).
4-9-2014	Email to	James Cutbirth	Question on the products of combustion (Attachment 23)
4-9-2014	Email to	James Cutbirth	Question on hydrogen sulfide (CBI Folder 2, tab 14).
4-9-2014	Email to	James Cutbirth	Question on burning used (waste) oil (Attachment 24).
4-10-2014	Email to	James Cutbirth	Question, where H <sub>2</sub> S is manufactured (Attachment 25).
4-11-2014	Email from	James Cutbirth	Answers to the burning of used oil (Attachment 24).
4-11-2014	Email from	James Cutbirth	Answers to questions on chlorine dioxide (CBI Folder 2, tab 12).

**PRE AND POST INSPECTION CONTACTS CONTINUED**

Date	Type of contact	Person	Comments
4-11-2014	Email to	James Cutbirth	Question on Saline River Water Plant and single hog fuel pile (Attachment 26).
4-11-2014	Email from	James Cutbirth to Wakeland	Reply on the basis of estimate (Attachment 22).
4-15-2014	Email from	James Cutbirth	Answers to questions on Saline River Plant and hog fuel pile (Attachment 26).
4-16-2014	Email to	James Cutbirth	Question on acetaldehyde (CBI Folder 2, tab 11).
4-17-2014	Email from	James Cutbirth	MSDS's are in the mail (Attachment 27).
4-17-2014	Email from	James Cutbirth	Reply to Dr. Wakeland's question on NAICS codes (Attachment 19).
4-21-2014	Email from	James Cutbirth	Reply on products of combustion (Attachment 23).
4-22-2014	Email to	James Cutbirth	Request methods of determining TRS releases (Attachment 27).
4-22-2014	Email to	James Cutbirth	Questions on lead compounds (Attachment 28).
4-25-2014	Email from	James Cutbirth	Reply to questions on lead compounds (Attachment 28).
4-25-2014	Email from	James Cutbirth	Reply to question on acetaldehyde (CBI Folder, tab 11).
5-5-2014	Email from	James Cutbirth	Answers to questions on hydrogen sulfide, TRS and where H2S is manufactured (CBI Folder 2, tab 15).
5-20-2014	Email to	James Cutbirth	Questions on C -12 flow chart (Attachment 12).
5-21-2014	Email from	James Cutbirth	Replied to question on C-12 flow chart (Attachment 12)
5-29-2014	Phone from	Rebecca Blankenship	James Cutbirth busy. Will return phone call later.
5-30-2014	Email to	James Cutbirth	Request for information (Attachment 29).
5-30-2014	Email to	James Cutbirth	Request for information (Attachment 30).

**PRE AND POST INSPECTION CONTACTS CONTINUED**

Date	Type of contact	Person	Comments
6-4-2014	Email to	James Cutbirth from Morton Wakeland	Conference call and comments on CBI (confidential business information).
6-6-2014	Email to	James Cutbirth	Conference call schedule, 9:30 am, 6-11,2014
6-9-2014	Email to	James Cutbirth from Mort Wakeland	Confirmed 6-11-2014 meeting and asked for information prior to the meeting (Attachment 62).
6-10-2014	Email from	James Cutbirth	Conference call notice
6-10-2014	Email from	James Cutbirth	Conference call notice
6-10-2014	Email to	James Cutbirth	Three more questions (Attachment 31).
6-10-2014	Email from	James Cutbirth	Information for conference call and answers to questions (Attachments 32, 33 and CBI Folder 2, tab 17).
6-11-2014	Email to	James Cutbirth from Morton Wakeland	Confirmed receipt of information for conference call and answers to questions.
6-11-2014	Phone to	James Cutbirth	Requested conference call phone number.
6-11-2014	Conference call	James Cutbirth and others	Discussion on information contained in spreadsheets. GP people on conference call; James Cutbirth, Richard Freeman, Mayes Starke, Mark Ruppel, Aimee Risher
6-11-2014	Email to	James Cutbirth from Morton Wakeland	Thank everyone for conference call input.
6-20-2014	Email from	James Cutbirth	Reply to information requested during the 6-11-2014 conference call. Reply was addressed to Wakeland and Stranne. (Attachment 64)
7-2-2014	Voice mail from	James Cutbirth	Wants to discuss up dating flow chart.

Date	Type of contact	Person	Comments
7-2-2014	Email from	James Cutbirth	Needs clarification on flow chart changes (Attachment 65).
7-3-2014	Email to	James Cutbirth	Please phone on Monday (Attachment 65).
7-3-2014	Email to	James Cutbirth	Questions for discussion on Monday.(Attachment 65).
7-11-2014	Email from	Richard Freeman	Provided revised flow charts (Attachment 38).
7-11-2014	Email to	Richard Freeman	Acknowledged receipt of revised flow charts (Attachment 38).
7-11-2014	Email from	James Cutbirth	Suggested changes to the draft inspection report (Attachment 66).
7-15-2014	Email from	James Cutbirth	Request for copy of Attachment 8 to the inspection report (Attachment 67).
7-22-2014	Email to	Morton Wakeland to James Cutbirth	Provided copy of Attachment 8 (Attachment 67).
7-22-2014	Email from	James Cutbirth to Morton Wakeland	Acknowledged receipt of Attachment 8 (Attachment 67).

## **IX. INSPECTOR**

Lawrence V. Stranne, P.E.  
EPCRA 313 Inspector  
US EPA Region 6  
1445 Ross Avenue  
Dallas, TX 75202  
214-665-7337  
Fax: 214-665-6655  
E-mail: [stranne.lawrence@epa.gov](mailto:stranne.lawrence@epa.gov)

## **X. PERSONS INTERVIEWED**

(Opening and closing conferences)

Gary W. Kaiser  
Vice President, Manufacturing  
Plant Manager  
Georgia-Pacific Crossett Paper Operations  
PO Box 3333  
Crossett, AR 71635

James W. Cutbirth  
Environmental Affairs Manager  
Georgia-Pacific Crossett Paper Operations  
PO Box 3333  
Crossett, AR 71635  
870-567-8144  
Email: [james.cutbirth@gapac.com](mailto:james.cutbirth@gapac.com)

Richard J. Freeman  
Environmental Engineer  
Georgia-Pacific Crossett Paper Operations  
PO Box 3333  
Crossett, AR 71635  
870-567-8177  
Email: [rjfreema@gapac.com](mailto:rjfreema@gapac.com)

Mr. Freeman was the Form R Technical Contact for 2012 reporting.

Sarah M. Ross  
Georgia-Pacific Crossett Paper Operations  
PO Box 3333  
Crossett, AR 71635

Rachel Johnson  
Georgia-Pacific Crossett Paper Operations  
PO Box 3333  
Crossett, AR 71635

Saul J. Furstein, P.E.  
Sr. Environmental Consultant  
Environmental Affairs, Technical Support  
Georgia-Pacific  
113 Peachtree Street, NE  
PO Box 105605  
Atlanta, GA 30348-5603  
404-652-5243  
Email: [sjfurste@gapac.com](mailto:sjfurste@gapac.com)

(Closing conference)  
John C. Bottini  
Senior Counsel  
Environmental Law Department  
Georgia-Pacific Chemicals  
133 Peachtree Street, NE  
Atlanta, GA 30303-5605  
404-652-4883  
Email: [john.bottini@gapac.com](mailto:john.bottini@gapac.com)

Mark Ruppel  
Headquarters  
Georgia-Pacific

(Conference call)  
Aimee Risher  
Technical Support, Headquarters  
Georgia-Pacific

(Closing conference)  
Scott Bailey  
Environmental Manager (NACP)  
Headquarters  
Georgia-Pacific

(Conference call)  
Mayes Starke  
Technical Support, Water  
Headquarters  
Georgia-Pacific

An attendance listing is shown in Attachment 35.



## **XI. ENVIRONMENTAL CONSULTANT USED FOR TRI REPORTING**

None.

## **XII. INSPECTION**

### **A. OPENING CONFERENCE**

After arriving at the facility at approximately 8:15 am on March 19, 2014, I presented my credentials to Mr. Kaiser and the Staff. The purpose of the inspection was explained as a determination of compliance with EPCRA § 313 toxic chemical release reporting requirements for the reporting years 2008 to 2012.

The information sheets for the following areas were given to the facility:

- TRI-MEweb online reporting
- EPCRA § 313 Region 6 staff
- U.S. EPA Small Business Resources
- Superfund, TRI, EPCRA, RMP& Oil Information Center
- Chemical Safety Awareness for Industrial and Municipal Facilities

Attachment 36 is a map of the facility.

Attachment 37 is a process flow diagram for the facility collected at the time of the inspection

In an email dated July 11, 2014, Mr. Richard Freeman provided the following updated flow charts to replace the corresponding pages in Attachment 37 (Attachment 38):

- Figure C-2, pulp mill
- Figure C-5, causticizing area
- Figure C-12, wastewater treatment

### **B. CONFIDENTIAL BUSINESS INFORMATION (CBI)**

Some of the material collected at the time of the inspection was marked CONFIDENTIAL BUSINESS INFORMATION (CBI). The CBI information collected at the time of the inspection was printed on 8-1/2 inch by 14 inch paper and is included in CBI Folder 1. CBI collected or generated since the inspection is included in CBI Folder 2.

When the inspection report is complete both of the CBI folders will be given to the EPCRA § 313 CBI Officer, David Riley.

**C. REQUEST FOR A COPY OF COMPLETED INSPECTION REPORT**

In an email dated April 1, 2014, Mr. Cutbirth requested a copy of the completed inspection report (Attachment 39).

**D. RATIONAL FOR THE GP COMPLEX REPORTING AS THREE SEPARATE ESTABLISHMENTS.**

The Georgia-Pacific Crossett Complex consisted of three establishment from 2008 to 2011. The Plywood/Stud Mill idled operations in October 2011 which resulted in only two establishment reporting in 2012.

The Staff explained that each of the three establishments (the Pulp and Paper Operations, the Chemicals Operations and the Plywood/Stud Mill) is in a different Division of GP. Each Division has its own chain of management and financial results. GP Management wanted the environmental reporting also separated by the three Divisions.

**E. PREVIOUS RCRA (RESOURCE CONSERVATION and RECOVERY ACT INSPECTION, APRIL 10-12, 2012**

The establishment's web site noted a prior RCRA (Resource Conservation and Recovery Act) inspection on April 10, 2012, (Attachment 39).

A copy of the RCRA inspection report is shown in Attachment 40.

**F. STATUS OF INFORMATION REQUESTED PRIOR TO THE INSPECTION**

In an email and USPS letter dated February 28, 2014, Mr. James Cutbirth was requested to provide information at the time of the inspection (Attachment 9).

All of the information was available at the time of the inspection. Additional information and corrected information was requested with an expected delivery date of April 9, 2014. The information was received as requested.

Ms. Sarah Ross took notes during the inspection and a copy of her March 20, 2014, notes related to additional information to be provided is shown in Attachment 61.

**G. INFORMATION REQUESTED SUBSEQUENT TO THE INSPECTION**

In a letter sent April 3, 2014, Mr. James Cutbirth was requested to supply copies of the MSDS for all products used by the facility that contained TRI chemicals (Attachment 18). In an email dated April 17, 2014, Mr. Cutbirth said that the MSDS's were in the mail (Attachment 18). The letter attached to the email contained a listing of the MSDS's that were being sent. The MSDS's were received on April 18, 2014, by FedEx. The MSDS's were placed in the file folder.

#### H. FACILITY OWNERSHIP INFORMATION

Georgia-Pacific has owned and operated the GP Crossett Paper Operations during the period of the inspection, reporting years 2008 to 2012 (Attachment 6).

#### I. FACILITY INFORMATION, EMPLOYEES AND GROSS SALES

The facility currently has approximately 1,250 employees.

Mr. Kaiser provided the following number of employees and sales (Attachment 4).

##### **ESTABLISHMENT EMPLOYEES AND SALES**

Reporting year	More or less than 50 employees	More or less than \$10 million sales
2112	More than	More than
2011	More than	More than
2010	More than	More than
2009	More than	More than
2008	More than	More than

#### J. MONITORING / MEASUREMENT DATA COLLECTION

In his letter dated March 20, 2014, Mr. Gary Kaiser provided the following information on the collecting, monitoring and measurement data (Attachment 4 starting on page four).

As set forth in more detail in the calculation spreadsheets that will be provided during your visit, GP's Paper and Pulp Facility utilizes many different types of data collected pursuant to regulatory monitoring/measurement requirements to calculate releases of EPCRA 313 chemicals utilized at the Facility. The following chart summarizes those regulatory monitoring/measurement requirements for which the Facility gathers monitoring or measurement data on an ongoing basis. Please note that based on our understanding of the scope of your information request, this chart does not include all ongoing monitoring or measurements that the Facility may collect for reasons other than regulatory compliance, nor does it include every monitoring or measurement that the Facility may have conducted for regulatory applicability or permitting purposes. To the extent the Facility relies on any monitoring or measurements to support its calculations of EPCRA 313 chemical releases, such data and the corresponding calculation methodologies for particular reporting years are available in the spreadsheets that will be provided during your visit.

Type of Data	ECPRA 313 Chemicals Monitored or Measured	Regulatory Requirement	Monitoring or Measurement Methodology	Activities/ Operations Covered by Data
Stack Tests	Chlorine (Cl <sub>2</sub> )	Subpart S (Rule revisions in 2012) And §63.457	NCASI Technical Bulletin No. 520	Bleach Plant (SN-30)
	Sulfuric Acid Mist (SAM)	§19.702 and §19.901 of Regulation #19, and 40 CFR Part 52 Subpart E	EPA Test Method 8	8R Recovery Furnace (SN-26)
Leak Detection and Repair (LDAR) Monitoring Data	Non-Condensable Gases (NCG)  (i.e. H <sub>2</sub> S, Methyl Mercaptan)	MACT Standard 40 CFR 63, Subpart S – National Emission Standards for Hazardous Air Pollutants from the Pulp and Paper Industry	EPA Test Method 21	Air emissions from regulated LDAR components throughout the facility.
Effluent Testing	Nitrate as N Copper Zinc	NPDES Permit	EPA Method 353.2 EPA Method 200.8 EPA Method 200.8	Wastewater effluent releases
Cluster Rule Bleach Plant Effluent Testing	Chloroform	NPDES Permit	EPA Method 624	Internal Monitoring
Landfill Groundwater Monitoring	Nitrate, Sulfate, Arsenic, Barium, Chromium, Lead, Manganese, Zinc, Benzene	Arkansas Regulation 22.1204(c)(1)	EPA Guidance, ASTM Standards	Landfill

K. WASTEWATER TREATMENT

In an email dated July 11, 2014, Mr. James Cutbirth provided the following description of the wastewater treatment process (Attachment 66):

The Mill processes wastewater from Crossett Paper Operations, GP Chemical Operations, GP Plywood & Studmill Operations, and treated effluent from the City of Crossett, although currently the Plywood & Studmill Operations are idled and do not contribute wastewater to the wastewater treatment system. Wastewater from the paper machines, pulping operations, recovery & utilities, and woodyard operations is first processed through a primary clarifier to settle a large majority of settleable solids. These settled solids are dewatered and the dewatered solids are sent to the sludge basin for disposal. Water then exits the primary clarifier and combines with the wastewater in the P3 sewer which includes boiler scrubber water associated with the Paper Operation power boilers, wastewater from the Plywood & Studmill Operations (when operating) and wastewater from the Chemical Plant. The combined wastewater flows directly to the ash settling basins where the waste water is again subject to further settling before flowing through the Surge Basin (for flow equalization) and on to the aeration stabilization basin (ASB) for biological treatment. Ash is settled in the ash basins and mechanically removed prior to the surge basin and aeration stabilization basin. Ash removed from the ash settling basins is placed in the sludge basin. Some heavier Paper Mill ash is mechanically removed at the mill site prior to discharge to the P3 sewer. This ash is used at the North Landfill as an approved cover material. Treated effluent from the City of Crossett treatment system joins the GP wastewater system just after the Surge Basin and prior to the aeration stabilization basin. The aeration stabilization basin reduces the organic content of the wastewater and allows for further settling of suspended solids. Treated effluent is sampled and measured at the parshall flume after the aeration basin which is regulated in the NPDES permit as Outfall 001. Treated effluent then discharges to an earthen channel that flows to a pond referred to as Mossy Lake. When not flooded, the Mossy Lake discharge is monitored as a stream monitoring station under the NPDES permit and then flows to the Ouachita River via Coffee Creek.

The mill wastewater and storm water falling in the process areas of the mill are collected in various sewers in the mill and flow by gravity to the treatment system. In addition to the normal process and non-process wastewaters collected, the mill may discharge wastewaters resulting from essential maintenance, regularly scheduled maintenance, during startup and shutdown activities, and from incidental spills and releases (whether anticipated or unanticipated) from anywhere in the permitted facility. However, these wastewaters are amenable to treatment as provided in the treatment system, and will not impact effluent limitations.

#### L. PROCESS WATER

Make up process water is drawn from Lake Georgia-Pacific which is north of the facility. The water is chlorinated and distributed to the Pulp and Paper Operations, the Chemicals Operations and the Plywood/Stud Mill.

In an email dated April 11, 2014, Mr. Cutbirth was asked to provide additional information on the source of the process water supply (Attachment 26). In an email dated April 15, 2014, Mr. Cutbirth provided the following reply.

Water is pumped from the Saline River into GP Lake. From GP Lake, the water is pumped approximately seven miles to the Saline River Treatment Plant located within the utilities area of the mill. At the plant the water is treated for turbidity.

Turbidity is cloudiness or haziness of the water caused by individual particles (total suspended or dissolved solids).

#### M. POTABLE WATER

Potable water (drinking quality water) for the Paper and Pulp Operations is drawn from nearby company owned wells and chlorinated.

#### N. LANDFILLS

In an email dated June 2, 2014, Mr. Cutbirth described the facility's landfills as shown below (Attachment 64):

We have two Non-Commercial Class 3 solid waste landfills. One is for construction and demolition debris and the other is used for primarily paper and paper related waste; it is a Sub-title D landfill. There is also one land reclamation area, referred to as the sludge basin in Figure C-12. It is located near the primary clarifier. It is used for the disposal of dewatered sludge taken from the primary clarifier and boiler ash removed from the ash settling basins.

#### O. RAW MATERIAL

The major raw materials are:

Pine and hardwood logs

The major fuels are hog fuel (chipped wood waste), TFD (tire derived fuel), natural gas and oil.

## P. PROCESS DESCRIPTION

A process description provided by GR is shown on the following page (Attachment 4).

GP's Crossett Consumer Products mill produces paper and paper products utilizing seven paper machines and two paper extruding machines. The paper machines include two board paper machines and five tissue/towel machines. The paper board produced is shipped in rolled form cut to width based on customer specifications. Tissue and towel converting includes the operations involved with converting large parent rolls of tissue/towel from the machines into finished product. This includes rewinding onto smaller sized rolls, folding, printing, cutting, packaging, and shipping.

The two extruding machines receive board from the board paper machine and from outside board customers and apply a polymer coating. Rolls of board are loaded onto an unwind stand before passing through a calendar stack, where they are subjected to burners which flame seal the board. An extruded poly sheet is then pressed together with the board.

Round wood and purchased chips are received at the facility by truck and rail. The logs are debarked for bark removal, fed through a chipper and then conveyed to the chip piles. The chips from the chip piles are screened prior to entering the chip silos. The removed bark is pneumatically sent to bark piles for storage and eventual used in the facility's boilers. The chips from the silos are conveyed to the Mill's thirteen batch digesters. The function of the digesters is to cook the chips using white liquor and steam from the boilers. In the digestion process, these raw materials are combined and cooked at a set pressure and temperature until the desired pulp quality is obtained. At the end of each "cook", the blow valves at the bottom of the digesters are opened, with the resulting pressure forcing the pulp mass through a blow line into one of the two blow tanks.

The blow tanks are at atmospheric pressure and the contents of the digesters enter the blow tanks tangentially at the top. When the chips hit the lower pressure in the tank, the liquor and water flash, blowing the chips apart to produce the pulp fibers. The vapors from the blow tanks are sent to the blow heat condensing system, where non-condensable gases (NCGs) are removed. The steam vapors are condensed in the accumulator. The accumulator water is sent to the stripper and returned to the washers as clean condensate. Knots (e.g. undercooked wood chips, irregularly shaped or overly thick pieces of wood, etc.) are removed with the use of vibrating knotters/screens.

The pulp is washed to remove spent cooking chemicals. The Mill has two horizontal washers. In the washers, the wash water and pulp move in counter current directions. The washed pulp is passed through screening and cleaning stages which remove debris from the stock. After screening, the pulp passes through the decker system, which thickens the pulp for storage in high density storage chests

The unbleached Kraft pulp is taken from the high density storage chests for further processing in the bleach plant. The bleaching process removes the remaining lignin and Kraft color from the unbleached pulp. Bleaching is performed in several stages using chlorine dioxide, caustic soda, oxygen, and hydrogen peroxide.



Attachments 37 and 38 are process flow diagrams for the facility collected at the time of the inspection (37) and later revised (38).

A description of the pulping process from the Wikipedia Encyclopedia is shown in Attachment 42.

Q. FINAL PRODUCTS

After manufacturing the wood pulp the Pulp and Paper Operations manufactures a variety of tissue, towel, paper and paperboard products (Attachment 5). Among the brands manufactured are Quilted Northern bath tissue, Angel Soft bath tissue and Sparkle paper towels.

Byproducts of the pulping operation are turpentine and soap (page 6 of Attachment 42).

R. ORIGINAL POSTMARK DATES OF SUBMITTED FORM R's/A's

The original postmark dates of the Form R's submitted for reporting years 2008 to 2012 were on or before the final due date with the exception of the one chemical shown below (Attachment 43):

**CHEMICAL REPORTED LATE**

Reporting year	Chemical	Due date	Postmark date <b>Note 1</b>	Period late
2011	Nitrate compounds	July 2, 2012	June 24, 2013	357 days

**Note 1:** The term postmark date includes the actual postmark dates and the certification dates for Form R/A's sent electronically through TRI-MEweb.

Nitrate compounds were reported on time for reporting year 2012 but were not reported for reporting years 2008, 2009 and 2010.

S. TRI CHEMICALS REPORTED TO THE EPA (ENVIRONMENTAL PROTECTION AGENCY)

Attachment 45 is a listing showing the number of establishment that reported each chemical.

At the time of the inspection the facility provided spreadsheets for the calculation of chemical usages and releases (CBI Folder 1). The spreadsheets included some of the formulas and basic calculations used in determining the threshold usage and emission values.

In an email dated April 7, 2014, Mr. Cutbirth provided summary spreadsheets for chemical threshold usage at all three establishment (CBI Folder 2, tabs 4, 5, 6, 7 and 8).

The table below shows the chemicals reported by the Paper and Pulp Operations (Attachment 45).

**CHEMICALS REPORTED TO THE TRI**

Chemical	2012	2011	2010	2009	2008
Acetaldehyde	Reported	Reported	Reported	Reported	Reported
Ammonia	Reported	Reported	Reported	Reported	Reported
Barium compounds	Reported	Reported	Reported	Reported	Reported
Benzo(g,h,i)perylene	Reported	Reported	Reported	Reported	Reported
Catechol	Reported	Reported	Reported	Reported	Reported
Chlorine	Reported	Reported	Reported	Reported	Reported
Chlorine dioxide	Reported	Reported	Reported	Reported	Reported
Cresol (mixed isomers)	Reported	Reported	Reported	Reported	Reported
Dioxin & dioxin like compounds	Reported	Reported	Reported	Reported	Reported
Ethylene glycol	Reported	Reported	Reported	Below threshold <b>NOTE 1</b>	Reported
Formaldehyde	Reported	Reported	Reported	Reported	Reported
Formic acid	Reported	Reported	Reported	Reported	Reported
Hydrochloric acid aerosols	Reported	Reported	Reported	Reported	Reported
Hydrogen sulfide	Reported	<b>Not required</b>	<b>Not required</b>	<b>Not required</b>	<b>Not required</b>
Lead compounds	Reported	Reported	Reported	Reported	Reported

**CHEMICALS REPORTED TO TRI CONTINUED**

Chemical	2012	2011	2010	2009	2008
Manganese compounds	Reported	Reported	Reported	Reported	Reported
Methanol	Reported	Reported	Reported	Reported	Reported
Nitrate compounds	Reported	Reported	<b>Below threshold</b> <b>NOTE 1</b>	<b>Below threshold</b> <b>NOTE 1</b>	<b>Below threshold</b> <b>NOTE 1</b>
Phenol	Reported	Reported	Reported	Reported	Reported
Polycyclic aromatic compounds	Reported	Reported	Reported	Reported	Reported
Sulfuric acid aerosols	<b>Below threshold</b> <b>NOTE 1</b>	<b>Below threshold</b> <b>NOTE 1</b>	<b>Below threshold</b> <b>NOTE 1</b>	<b>Below threshold</b> <b>NOTE 1</b>	Reported
Toluene	Reported	Reported	Reported	Reported	Reported
Vanadium compounds	Reported	Reported	Reported	Reported	Reported
Zinc compounds	Reported	Reported	Reported	Reported	Reported

**NOTE 1:** An analysis of chemical usage is shown in CBI Folder 2 tab 16.

**T. CHEMICALS OF INTEREST IDENTIFIED PRIOR TO THE INSPECTION**

**Hydrogen Sulfide (H<sub>2</sub>S)**

Hydrogen sulfide was added to the TRI chemical list via the Federal Register December 1, 1993. However, on August 22, 1994, an administrative stay of the reporting requirement was imposed. The stay was lifted effective October 1, 2011, with the first reports due July 1, 2013.

The facility utilized a model generally described in the study “Estimating H<sub>2</sub>S and Methyl Mercaptan Emissions from Wastewater Treatment Systems” for estimating H<sub>2</sub>S (hydrogen sulfide) emissions at the wastewater plant (Attachment 46). The study separately analyses emissions of hydrogen sulfide and methyl mercaptan.

In an email dated June 10, 2014, Mr. Cutbirth provided a condensed version of the slides from the above study showing only the slides that address the specific manner in which GP conducted its calculations (Attachment 33).

Mr. Furstein provided a listing of hydrogen sulfide releases from just paper and pulp mills. The Crossett Pulp and Paper Operations ranked number 4 from the top of hydrogen sulfide releasers in the Nation (Attachment 47). Shown below are the top five H<sub>2</sub>S releasers:

1. Rayonier Performance Fibers Jesup Mill, 4470 Savanna Hwy, Jesup, GA 31545
2. Georgia-Pacific Monticello LLC Sandifer Hwy, 5 Miles N of Monticello, Monticello, Mississippi 39654
3. International Paper, 100 Jensen Rd, Prattyville, Alabama 36067
4. Georgia-Pacific Plywood/Stud Mill Complex, 101 Plywood Mill Rd, Crossett, Arkansas (This is the name that the GP Pulp and Paper Operations reports under)
5. International Paper – Vicksburg Mill, 3737 Hwy 3 N, Redwood, Mississippi, 39156

Mr. Furstein provided a second listing of hydrogen sulfide releases from all industries. The Crossett Pulp and Paper Operations ranked number 6 from the top of hydrogen sulfide releases (Attachment 48). Shown below are the top five releasers:

1. Jal Gas Plant, 115 Sid Richardson Rd, Jal, New Mexico 88252
2. PCS Phosphate Co Inc., 1530 NC Hwy 306S, Aurora, North Carolina 27806
3. Rayonier Performance Fibers Jesup Mill, 4470 Savannah Hwy, Jesup, Georgia 31545
4. Georgia-Pacific Monticello LLC Sandifer Hwy, 5 Miles N of Monticello, Monticello, Mississippi 39654
5. International Paper, 100 Jensen Rd, Prattyville, Alabama 36067
6. Georgia-Pacific Plywood/Stud Mill Complex, 101 Plywood Mill Rd, Crossett, Arkansas (This is the name that the GP Pulp and Paper Operations reports under)
7. International Paper – Vicksburg Mill, 3737 Hwy 3 N, Redwood, Mississippi, 39156

Hydrogen sulfide (H<sub>2</sub>S) was manufactured (including coincidental), processed and/or otherwise used only at the Pulp and Paper Operations. The Chemicals Operations and the Plywood/Stud Mill did not have any usage of the chemical.

Information from the chemical dictionary and Wikipedia on hydrogen sulfide is shown in Attachment 49).

The 2012 Form R for hydrogen sulfide indicated the “basis of estimate” for releases shown in the table below:

**METHODOLOGY FOR CALCULATING (ESTIMATING) RELEASES**

RELEASE	BASIS OF ESTIMATE
5.1 Fugitive or non-point air emissions	M2 – estimate is based on periodic or random monitoring data or measurements for the EPCRA § 313 chemical
5.2 Stack or point air emissions	E1 – estimate is based on published emission factors, such as those relating release quantity to through-put or equipment type (e.g., air emission factors)
5.3 Discharges to receiving streams or water bodies	C – estimate is based on mass balance calculations, such a calculation of the amount of the EPCRA § 313 chemical in streams entering and leaving process equipment
5.5.2 land treatment/application farming	C – estimate is based on mass balance calculations, such a calculation of the amount of the EPCRA § 313 chemical in streams entering and leaving process equipment

In an email dated April 22, 2014, Mr. Cutbirth was asked to provide information and data on the methods used to determine H<sub>2</sub>S emissions from specific points (Attachment 27). In an email dated May 5, 2014, Mr. Cutbirth replied as follows (CBI Folder 2, tab 15).

The calculated amounts of releases for H<sub>2</sub>S from the Lime kiln, Recovery boiler and Smelt dissolving tanks are based on NCASI H<sub>2</sub>S factors.

The 2012 Form R for hydrogen sulfide reported the releases shown below. Reporting year 2012 was the first year that hydrogen sulfide was required to be reported.

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**RELEASES OF HYDROGEN SULFIDE AS SHOWN ON THE 2012 FORM R**

Line no.	description	Pounds released
5.1	Fugitive or non-point releases	517,048
5.2	Stack or point releases	4,632
5.3	Discharges to receiving streams of water bodies	305
5.5.2	Land treatment	1,477
7A.1a	Waste stream: waste water Waste treatment methods H123, settling or clarification H081, biological treatment with or without precipitation	
7B	Onsite energy recovery processes U01, industrial kiln U03, industrial boiler	
8.2	Quantity used for energy recovery onsite	309,899
8.6	Quantity treated onsite	283,290

The total of the values shown in the table significantly exceed the amount of hydrogen sulfide manufactured during 2012. An email dated April 9, 2014, was sent to Mr. Cutbirth asking him to explain the values (CBI Folder 2, tab 14). In an email dated May 5, 2014, Mr. Cutbirth replied as follows (CBI Folder 2, tab 14).

The disparity in the total amount of hydrogen sulfide (H<sub>2</sub>S) manufactured in our original RY2012 calculations versus the total amount of H<sub>2</sub>S captured in Section 8 of our RY2012 Form R was caused by the double counting of controlled stack air emissions under both energy recovery (8.2) and treated on site (8.6). We have taken this opportunity to update our RY2012 calculations spreadsheet for H<sub>2</sub>S to improve and clarify our reporting. Energy recovery was eliminated as a response and only treated on site is now utilized. While energy recovery would be a correct response according to NCASI guidance, using the treated onsite category only seems a more appropriate classification in this case. When this double-counting is eliminated, the revised total for Section 8 of the Form R equals the amount manufactured. The attached revised calculation sheet for H<sub>2</sub>S now shows the manufacturing total matching the sum of the responses in section 8.

After the removal of line 8.6, quantity treated onsite, the corrected releases of hydrogen sulfide are shown below:

**RELEASES OF HYDROGEN SULFIDE AS SHOWN ON THE 2012 FORM R  
AND REVISIONS**

Line no.	description	Pounds released shown on 2012 Form R	<b>REVISED 6-10-2014</b> Pounds released <b>Note 1</b>
5.1	Fugitive or non-point releases	517,048	517,042
5.2	Stack or point releases	4,632	<b>29,007</b>
5.3	Discharges to receiving streams of water bodies	305	305
5.5.2	Land treatment	1,477	1,477
7A.1a	Waste stream: waste water Waste treatment methods H123, settling or clarification H081, biological treatment with or without precipitation		
7B	Onsite energy recovery processes U01, industrial kiln U03, industrial boiler		
8.2	Quantity used for energy recovery onsite	309,899	<b>0</b>
8.6	Quantity treated onsite	283,290	<b>284,587</b>

**Note 1:** In his email dated June 10, 2014, Mr. Cutbirth provided the revised information (CBI Folder 2, tab 17).

The pulping process takes place in a unit referred to as the digester. Hydrogen sulfide is coincidentally manufactured in the digester. Gases, including hydrogen sulfide, from the digester are routed to the blow tanks and then to the incinerator (thermal oxidizer) for treatment and energy recovery (Figure C-2 of Attachment 38).

In an email dated April 11, 2014, Mr. Cutbirth was asked to provide additional information on the processing of gases exiting the digesters and blow tanks (Attachment 26). Mr. Cutbirth's reply is shown below (Attachment 26):

Upon completion of each cook, the contents of each digester are emptied (blown) to a hardwood or softwood blow tank. The gases exiting the blow tanks are routed to the NCG collection system where the non-condensable portion of these gases is ultimately burned in the Incinerator. Each of the digesters also has a small vent that is directed to the turpentine system. Emissions from this system are combined back with the other digester gases and are routed to the incinerator.

In an email dated March 27, 2014, Mr. Cutbirth was asked if the references to the kiln and the industrial boiler as hydrogen sulfide treatment equipment were correct (Attachment 10). Mr. Cutbirth's March 31, 2014, reply is shown below (Attachment 10):

The reference to U03 in the 2012 Form R for hydrogen sulfide contemplates the combustion (for energy recovery and as a form of emissions control) of hydrogen sulfide gases that occurs in the on-site incinerator equipped with waste heat boiler, which is depicted on Figure C-2 of the process flow diagrams. As a back-up to the incinerator, hydrogen sulfide emissions can be routed to the 9A Power Boiler. Both the incinerator and the 9A Boiler Power would fall within the U03 – Industrial Boiler code, as we understand the codes. Hydrogen sulfide gases are not routed to the recovery boiler for combustion.

The reference to U01 in Section 7.b of the 2012 Form R for hydrogen sulfide appears to be in error. Although Figure C-5 does show non-condensable gases (NCGs) as an input to the lime kiln, NCGs (including hydrogen sulfide) were not burned for energy recovery in the lime kiln within the past 5 years. The piping system that would allow NCGs to be fed to the lime kiln has been blanked and/or removed.

As explained above, no NCGs (including hydrogen sulfide gases) are routed to the lime kiln for incineration. The depiction of such activity in Figure C-5 is out of date. The lime kiln burner is fired with natural gas, although that fuel source is not depicted on Figure C-5. In general, the use of natural gas by equipment other than the power boilers is not depicted on process flow diagrams.

As explained above, hydrogen sulfide should not be an input to the Recovery Boiler.

In addition to these responses, we have also attached is a copy of a presentation that was given by Dr. Zach Emerson of NCASI and Mayes Starke of Georgia-Pacific (with whom you spoke over the telephone during your visit) at a recent NCASI conference. You requested a copy of this presentation during your visit. We can arrange for you to speak with Mayes in more detail regarding the contents of this presentation, if you would find that helpful.

In an email dated April 10, 2014, Mr. Cutbirth was asked for a listing of where hydrogen sulfide is manufactured in the pulping process (Attachment 25). In an email dated May 5, 2014, Mr. Cutbirth replied as follows (CBI Folder 2, tab 15):

There is no direct contact evaporator at the Crossett Paper mill. The Crossett Paper mill operates a non-direct contact evaporator, which is depicted in the Section 3.1 of the TRI calculation spreadsheet for H<sub>2</sub>S as “Recovery Furnace NDCE”. The sources of H<sub>2</sub>S for which we have emissions data and/or factors are set forth in Section 3.1 of the attached TRI calculations. A more detailed chart of H<sub>2</sub>S sources is pasted below.



**POINTS AT WHICH YDROGEN  
SULFFIDE IS MANUFACTURED**

<b>Hydrogen sulfide sources</b>	<b>Number of each</b>	<b>Comments</b>
Blow tanks (blow gases)	2	Controlled in NCG system
Accumulator (relief gases)	1	Controlled in NCG system
Brown stock Washers (line 1 washers)	1	Controlled in NCG system
Brown stock Washers (line 2 washers)	1	Controlled in NCG system
Line 1 Decker System	1	Controlled in NCG system
Line 2 Decker System	1	Vented to atm.
Weak Black Liquor (WBL) tanks*	6	Vented to atm. <b>(Note 1, Note 2)</b>
Strong Black Liquor (SBL) tanks #	5	vented to atm.
High Density Storage chests (UBP storage)	3	vented to atm.
Evaporators	6	Controlled in NCG system
Recovery Furnace NDCE	1	
Smelt Dissolving Tanks	2	
White Liquor Storage Tanks	4	Vented to atm.
Lime Kiln	1	
NCG Thermal Oxidizer	1	N/A <b>(Note 4)</b>
Turpentine System	1	Controlled in NCG system
Steam Stripper (Striper off gases)	1	Controlled in NCG system
Pre-evaporators	1	Controlled in NCG system
Concentrator	1	Controlled in NCG system
Waste Water Treatment System:		
Primary Clarifier	1	
North ASB	1	
South ASB	1	
Surge Basin	1	
Ash Basin	1	<b>(Note 3)</b>

**Note 1:** In his email dated June 10, 2014, Mr. Cutbirth clarified the location of the six weak black liquor storage tanks (Attachment 32). His comments are shown below:

The weak black liquor tanks accounted for within the TRI calculations are the pine and hardwood washer tanks, filtrate feed tank (controlled by Incinerator), the 12% BLT, the 17% BLT, and a Boil Out Tank. The process flow diagrams were taken from a past Title V Permit application, and thus do not necessarily track all the emission points captured in our TRI calculations. Not every tank within the Crossett facility is depicted within these PFD's. The C2 flow diagram does reflect "to black liquor storage" which would represent the hardwood weak black liquor tank, softwood weak liquor tank and the filtrate tank in the pulp mill. The C4 flow diagram reflects two weak black liquor tanks; the 17% WBL tank and the #1 WBL tank. A third WBL tank not shown on the drawing would be the Boil Out tank.

**Note 2:** In his email dated June 10, 2014, Mr. Cutbirth explained the type of releases reported for the six weak black liquor tanks (Attachment 32). His comments are shown below:

Of the six weak black liquor tanks identified in the TRI worksheet, only the filtrate feed tank is controlled by the thermal oxidizer. The other five weak black liquor tanks vent to the atmosphere, and thus noted as "uncontrolled" in our TRI worksheet. We characterize each of these six tanks as stack or point air emission sources, thus they are accounted for in Section 5.2 of our TRI worksheet. The Form R instructions note that storage tank emissions fall within 5.2 and thus we believe this is an appropriate characterization of the type of emission sources represented by the weak black liquor tanks.

The spreadsheet associated with Section 5.2 correctly depicts the five heavy black liquor tanks as being "uncontrolled". The "uncontrolled" tank emissions and "controlled" tank emissions are then summed together as a "sum for all the tank emissions" identified. Again, we believe our approach of characterizing these storage tank emissions within Section 5.2 of our TRI worksheet is consistent with the Form R instructions.

**Note 3:** In his email dated June 10, 2014, Mr. Cutbirth clarified the location of the ash basin shown under wastewater treatment (Attachment 32). His comments are shown below:

There are two points within the system where ash accumulates and is removed for disposal; at the point ash immediately exits both 9A & 10A Boilers (Figure C-11), and then the ash settling basins located just south of the primary clarifier (figure C-12). The ash

basins depicted in C12 are the basins that we consider part of the wastewater treatment system.

**Note 4:** In his email dated June 10, 2014, Mr. Cutbirth clarified the meaning of the notation “N/A” (Attachment 32). His comments are shown below:

NA is intended to mean zero emissions. The underlying calculation spreadsheet depicts zero emissions based on information obtained from NCASI Guidance.

In his email dated June 10, 2014, Mr. Cutbirth clarified the releases from the sludge basin shown on flow chart figure C-12, which is not shown in the above chart (Attachment 32). His comments are shown below:

The H2S releases associated with the sludge basin are captured in Section 5.5.2 – Land Application of the H2S calculation worksheet, which depicts 1,477 lbs H2S released to land. This value was derived from NCASI guidance.

In his email dated June 10, 2014, Mr. Cutbirth clarified releases from the aeration and stabilization basin (Attachment 32). His comments are shown below:

Based on the sampling and modeling exercise that we can describe in more detail during our call Wednesday, GP has estimated H2S releases of 923.1 lbs/day from the north end of the ASB and 73.25 lbs from the south end of the ASB for a total of 996.35 lbs/day.

In his email dated June 10, 2014, Mr. Cutbirth discussed hydrogen sulfide releases from the holding basin (Attachment 32). His comments are shown below:

ADEQ classifies Mossy Lake (noted in Figure C-12) as water of the State, and thus the Crossett mill’s NPDES permit does not consider Mossy Lake to be part of the Crossett mill’s wastewater treatment system. Additionally, Mossy Lake serves as a drainage basin for a large footprint of land beyond Georgia Pacific’s ownership. For that reason, Georgia-Pacific has not sampled or otherwise estimated releases of H2S from Mossy Lake.

In his email dated June 10, 2014, Mr. Cutbirth discussed hydrogen sulfide releases from the black liquor storage basin (Attachment 32). His comments are shown below:

Georgia-Pacific has not sampled or otherwise estimated releases of H2S from the black liquor storage basin noted on Figure C-4. NCASI has no emission factors for black liquor ponds, and thus Georgia Pacific is not aware of a reliable means by which to estimate emissions from the black liquor storage pond.

The great majority of the fugitive air releases of hydrogen sulfide are coincidentally manufactured in the aeration and stabilization basins of the wastewater treatment plant. The hydrogen sulfide coincidentally manufactured is released to the atmosphere.

Mr. Cutbirth said the methodology presented in the paper titled ““Estimating H2S and Methyl Mercaptan Emissions from Wastewater Treatment Systems” was used to estimate releases at the wastewater treatment plant. The paper was coauthored by Georgia-Pacific and NCASI (National Council on Air and Stream Improvement) (Attachment 46).

Hydrogen sulfide is also in the fuel gas stream which is routed to an incinerator which has a heat recovery boiler (Attachment 50).

Ms. Rachel Johnson stated that ambient air levels of hydrogen sulfide at the wastewater treatment plant were low enough that maintenance personnel working on the aerators do not need to wear personal protective equipment (respirators). The wastewater treatment process encompasses the following phases (Figure C-12 of Attachment 38):

- Phase 1:       Clarifier  
                  De-watering  
                  Sludge basin
  
- Phase 2:       Two ash settling basins (in parallel)  
                  Surge basin  
                  Aeration and stabilization basin  
                  Holding basin (Mossy Lake)

The clarified water (output) from Phase 1 is transferred to Phase 2 prior to the settling basins.

In an email dated June 20, 2014, Mr. Cutbirth provided the following information the use of personal protective equipment (PPE) in the wastewater treatment plant area (Attachment 64):

Employees working in the areas around the wastewater treatment system for extended periods do wear personal H2S monitors. This includes contract employees managing the sludge press, dredging contractors and GP maintenance personnel. We have not observed H2S levels above the OSHA Permissible Exposure Limit for an 8 hour period of 10 ppm and therefore we have never required PPE to work in these areas. Employee monitors are set to alarm at 10 ppm. Employees are directed, per a posted contractor procedure, to move away from the area where these levels are observed.

In an email dated April 8, 2014, Dr. Wakeland requested information on the basis of estimate shown for release of hydrogen sulfide (Attachment 22). Mr. Cutbirth's reply is shown below (Attachment 22).

The model used calculated the emissions based on water quality measurements of aqueous sulfide and pH at various points in the system. The model also took into account the characteristics of the wastewater treatment system (types of units and dimensions). No air monitoring was done, as the model is entirely based on aqueous data. Emission factors were not used.

The slides at the first of the presentation (Slides 6 through 10) describe the different types of ways of estimating emissions (as introduced on Slide 5 – Estimation Methods). The Zone Emissions Model (slide 10 and following) then discussed the model used for estimating emissions in this case.

The third slide was meant to convey that the reporting would first take place in July of 2013 for calendar year 2012. The presentation was made in June of 2012 when everyone was in the midst of collecting data, estimating emissions, or determining whatever means they were going to use to report hydrogen sulfide by July of 2013.

M2 code was used because the modeling was based on actual calculations (not emission factors) from various locations in the wastewater treatment system. The E1 Code was used for emission factors used to calculate stack releases.

In an email dated April 9, 2014, Dr. Wakeland requested additional information related to the basis of estimate (Attachment 22). Mr. Cutbirth's reply is shown below (Attachment 22).

Our selection of the M2 code appears to have been based on the fact that the fugitive H<sub>2</sub>S emission estimates were calculated, at least in part, by using wastewater monitoring conducted at the mill. The wastewater monitoring consisted of aqueous sulfide measurements that were then used as inputs to the NCASI model to predict potential H<sub>2</sub>S releases to the atmosphere. Based on your insight and feedback, we will utilize the E2 code in the future.

In his letter dated May 30, 2014, Dr. Morton Wakeland provided the following information (Attachment 51):

Upon further investigation and research, your (GP's) use of code M2 for fugitive emissions for hydrogen sulfide is acceptable. While "monitoring" is used in the first part of the definition, "or measurement" is used in the second half of the definition. Because you stated Georgia-Pacific periodically sampled (measured) the water to estimate hydrogen sulfide emissions, this code is acceptable.

### Chlorine

Chlorine is coincidentally manufactured in the first bleaching stage for the wood pulp. Chlorine was reported by the establishment for the five years 2008 to 2012.

The 2008 to 2012 air releases and treatment of chlorine shown on the Form R's are compared below:

#### **CHLORINE RELEASES AND TREATMENT BY TYPE**

Form R line number	2008 releases, pounds	2009 releases, pounds	2010 releases, rounds	2011 releases, pounds	2012 releases, pounds
5.1, fugitive air emissions	5	5	5	5	5
5.2, stack air emissions	2,136	1,850	2,087	1,864 <b>Note 1</b>	0 <b>Note 2</b>
7A.1d, scrubber efficiency				>50% but <95%	>99.9999%
8.6, treated onsite	12,346	10,484	11,829	10,564	13,144

**Note 1:** A NCASI factor was used to calculate emissions.

**Note 2:** A stack test dated 9-21-2011 was used to calculate emissions.

The stack air releases of chlorine from the first bleaching stage are processed through the bleach plant scrubber.

Chlorine releases for the Georgia-Pacific complex are shown below:

#### **CHLORINE RELEASES FOR THE THREE ESTABLISHMENTS**

Establishment	2008 releases, pounds	2009 releases, pounds	2010 releases, pounds	2011 releases, pounds	2012 releases, pounds
Paper and Pulp	5	1,959	2,092	1,869	5
Chemicals	520	240	300	250	150
Plywood/Stud Mill	NA	NA	NA	NA	Mill idled
<b>TOTAL</b>	<b>525</b>	<b>2,199</b>	<b>2,392</b>	<b>2,119</b>	<b>155</b>

Chlorine is otherwise used for disinfecting process water which is supplied to all three establishments. Chlorine is also used to disinfect well water for potable water use at the

Paper Operations. There are no releases in chlorination process. The facility uses one ton cylinders of chlorine for the process.

### Chlorine Dioxide

Chlorine dioxide is used in the first bleaching stage to bleach the kraft pulp to a white pulp.

Chlorine dioxide is manufactured onsite using the following chemicals:

Sulfuric acid	Methanol
Sodium chlorate	Hydrogen peroxide

The 2008 to 2012 air releases and treatment of chlorine dioxide shown on the Form R's are compared below:

#### **CHLORINE DIOXIDE RELEASES AND TREATMENT BY TYPE**

Form R line number	2008 releases, pounds	2009 releases, pounds	2010 releases, pounds	2011 releases, pounds	2012 releases, pounds
5.1, fugitive air emissions	5	5	5	5	5
5.2, stack air emissions	3,329	3,110	3,170	3,194 <b>Note 1</b>	0 <b>Note 2</b>
7A.1d, scrubber efficiency	>99% but <99.99%	>99% but <99.99%	>99% but <99.99%	>99% but <99.99%	>99.9999%
8.6, treated onsite	329,585	307,867	313,852	316,174	313,963

**Note 1:** A NCASI factor was used to calculate emissions.

**Note 2:** A stack test dated 9-21-2011 was used to calculate emissions.

In an email dated June 10, 2014, Mr. Cutbirth was asked the following question (Attachment 31):

The 2012 Form R for chlorine dioxide indicates 0 (zero) stack emissions. It was mentioned at the inspection that a September 21, 2011, stack test was used to determine this value. What was the detection limit for chlorine dioxide in this test?

In an email dated June 20, 2014, Mr. Cutbirth replied as follows (Attachment 64):

The method utilized to determine CL and CLO2 concentrations is a titration using a color change indicator; NCASI Method TI-520. Method TI-520 does not depict a minimum detection level as it is wet chemistry.

The stack air releases from chlorine dioxide manufacturing are processed through the bleach plant scrubber.

In an email dated April 7, 2014, Mr. Cutbirth was asked to provide additional information on the 2012 usage of chlorine dioxide (CBI Folder 2, tab 12). The reason for the request was that the value shown in the spread sheet for the amount otherwise used does not equal the amount manufactured.

In an email dated April 11, 2014, Mr. Cutbirth agreed that the amount of chlorine dioxide manufactured should equal the amount of chlorine dioxide otherwise used (CBI Folder 2, tab 12). Mr. Cutbirth's reply is shown below.

The "manufactured" amount of... pounds of chlorine dioxide solution was the correct value to use for the threshold determination for reporting year 2012. Mr. Wakeland is correct in that the value of... utilized for "manufactured" should have also been the value for "otherwise used". Notwithstanding this oversight, we believe the "release" value originally reported remains accurate.

### **Cresol**

The 2008 to 2012 air releases and treatment of cresol are compared below:

#### **RELEASES AND TREATMENT OF CRESOL BY TYPE**

Form R line number	2008 releases, pounds	2009 releases, pounds	2010 releases, pounds	2011 releases, pounds	2012 releases, pounds
5.1, fugitive air emissions	6	5	5	5	4
5.2, stack air emissions	57,511	55,592	56,428	54,672 <b>Note 1</b>	1,625 <b>Note 2</b>
7A.1b, waste treatment method <b>Note 3</b>	H040	H040 H123 H081	H040	H040	H040
7A.1d, treatment efficiency	>99% but <99.99%	>99% but <99.99%	>99% but <99.99%	>99% but <99.99%	>99% but <99.99%
8.6, treated on site	NA <b>Note 4</b>	NA <b>Note 4</b>	NA <b>Note 4</b>	NA <b>Note 4</b>	NA <b>Note 4</b>



**Note 1:** Emissions were calculated using a NCASI factor.

**Note 2:** Emissions were calculated using a **new NCASI factor**.

**Note 3:** H040, incineration – thermal destruction other than use as a fuel  
H123, settling or clarification  
H081, biological treatment with or without precipitation

**Note 4:** Since a gas stream was sent to an incinerator there should be a value shown in line 8.6.

The inspector requested a copy of the old and the new NCASI factors. The facility is to provide the factors by April 9<sup>th</sup>.

The facility replied as follows (Attachment 41):

As set forth in the TRI calculation spreadsheets we provided to you, Crossett Paper relies on NCASI-derived emission factors to measure releases of Creosol. For reporting years 2008 -2010 the NCASI guidance on Creosol emissions suggested using a median emission factor of  $< 5.0E-02$  lbs/ton black liquor solids for the recovery furnace (referred to as a Recovery Furnace, NDCE). That emission factor was updated in the 2010 version of the NCASI guidance and was reported as “—”. NCASI guidance provides that this symbol should be treated as an emission factor of  $0.0E-0$ , which is the approach Crossett Paper followed in TRI reporting years 2011 and 2012 for this particular source.

It would appear the Crossett Paper’s failure to include any amounts in line 8.6 for treatment on-site was an oversight on our part, as the underlying calculation spreadsheets do estimate the amount of Cresol that was treated on-site.

### **Lead and Lead Compounds**

Lead and/or lead compounds are found in the following:

Wood logs	Wood chips	TDF (tire derived fuel)
Hog fuel		Oil (used to start recovery boiler)

The 2008 to 2012 releases and treatment of lead and lead compounds shown on the Form R’s are compared below:

#### LEAD AND LEAD COMPOUNDS RELEASES AND TRETMENT BY TYPE

Form R line number	2008 releases, pounds	2009 releases, pounds	2010 releases, pounds	2011 releases, pounds	2012 releases, pounds
5.1, fugitive air emissions	NA	NA	NA	NA	NA
5.2, stack air emissions	137	172	161	144	183
5.3, discharges to water	216	197	193	179	254
5.5, land onsite	186 12,241	322 10,194	483 11,219	595 9,452	909 848 <b>Note 1</b>
7A.1b, waste treatment method <b>Note 2</b>	H123 H082	H123 H082	H123 H082	H123 H082	H123 H082
7A.1d, treatment efficiency	>50% but <95%	>50% but <95%	>50% but <95%	>50% but <95%	>50% but <95%
8.6, treated onsite	NA	NA	NA	NA	NA

**Note 1:** New NCASI factors were used for 2012 reporting.

**Note 2:** H123, settling or clarification  
H082, adsorption

The facility was requested to provide the old and new NCASI factors. The information is to be provided by April 9<sup>th</sup>.

In an email dated April 7, 2014, the facility replied as follows (Attachment 41):

The decrease in reported releases of Lead Compounds from RY2011 to RY2012 was primarily attributable to a change from the use of the *mean* value of the NCASI data set for the concentration of lead in various types of wood fuel to the use of the *median* value.

In RY2012, Crossett Paper also changed the factor used to measure Lead Compound discharges to water – the facility switched from using a NCASI factor to using a factor based on facility-specific analytical data. This switch caused a slight increase in the value of Lead Compound discharges to water.

The following additional information was shown on the 2012 Form R:

Form R line number	Description
8.10	Source Reduction Activities: W19 – other changes in operating practices
8.11	Additional Information: W19 – mill wide effort to reduce process water use

For both line 8.10 and 8.11 above, at the time of the inspection, the Staff was not able to explain how the above activities affected the reduction from 2011 to 2012 of the fugitive air, stack air and water releases. The Staff said that they would investigate and reply by April 9<sup>th</sup>.

In an email dated April 7, 2014, Mr. Cutbirth was asked to provide additional information on the 2012 usage of lead and lead compounds (CBI Folder 2, TAB 13).

In an email dated April 7, 2014, the facility replied as follows (Attachment 41):

The references to “other changes in operating practices” and “mill-wide effort to reduce process water use” were included in Lines 8.10 and 8.11, respectively, to account for the concerted effort at Crossett Paper to reduce water use. This effort resulted in a decrease in the volume of water discharged to the Ouachita River. Because the volume of water discharged from the mill is one of the inputs into Crossett Paper’s calculations of Lead Compound discharges to water, the mill’s overall reduction in water use decreased the corresponding Lead Compound discharges to water. It should be noted, however, that the decrease in Lead Compounds discharges due to water use reductions was offset by the facility’s transition to the use of a new factor based on facility-specific analytical data discussed above.

In an email dated April 22, 2014, Mr. Cutbirth was asked to clarify the wastewater treatment of lead and lead compounds (Attachment 28). In an email dated April 25, 2014, Mr. Cutbirth provided the following answers (Attachment 28):

- As depicted in Figure C-12, Crossett Paper’s wastewater treatment system receives some solids in the form of paper making residuals and boiler ash. Some portion of the lead compounds in the incoming wastewater streams attach to these solid materials and settle out prior to reaching the treatment system’s permitted outfall. This adsorption/settling of lead compounds has been confirmed through comparative testing performed by NCASI of wastewater streams entering and exiting wastewater treatment systems. The adsorption/settling of lead compounds is accounted for by reference to H082 (*adsorption*) and H123 (*settling or clarification*) in Section 7A.1b of the Form R.

On the Form R's for lead compounds H123, settling or clarification, and H082, adsorption, are shown as wastewater treatment codes. Line 8.6, treated onsite, is shown as NA. Mr. Cutbirth replied as follows (Attachment 28).

- We think NA is the appropriate entry for Section 8.6 for Lead Compounds. Section 8.6 refers to treatment on-site, which EPA has defined in its Form R instructions as destruction. Settling or adsorption of lead compounds does not result in the destruction of the parent metal, and thus we believe NA is the appropriate entry in Section 8.6. That approach is endorsed in EPA's Form R instructions (Jan. 2014 version, page 67), which state that "for metals and metal category compounds, you should enter NA in Sections 8.2, 8.3, 8.6 and 8.7, as treatment and combustion for energy recovery generally are not applicable waste management methods for metals and metal compounds." Any amount of lead compounds that is subject to adsorption/settling in our treatment system (as referenced in Section 7A.1b) is accounted for in Sections 8.1a or 8.1b, not
- Section 8.6."

### **Ethylene Glycol**

Ethylene glycol was not reported for reporting year 2009. Ethylene glycol is otherwise used at the establishment.

The total of the 2009 usage of ethylene glycol at the three establishments was below the 10,000 pound otherwise use threshold (CBI Folder 2, tab 3).

For 2008, 2010 and 2011 ethylene glycol was reported by all three establishments. For 2012 ethylene glycol was reported by the Pulp and Paper Operations and the Chemical Operations.

### **Nitrate Compounds**

Nitrate compounds are coincidentally manufactured in the wastewater treatment plant.

The 2011 and 2012 releases of nitrate compounds are shown below. Prior to reporting year 2011 nitrate compounds were not reported.

#### **NITRATE COMPOUND RELEASES`**

Form R line number	2008 to 2010 releases, pounds	2011 releases, pounds	2012 releases, pounds
5.3, discharges to water onsite	Chemical not reported	55,852	62,403

The facility agreed to provide documentation on why nitrate compounds were not reported from 2008 to 2011. The documentation is to be provided by April 9<sup>th</sup>.